

IN RE: PETITION FOR ADMIN. VARIANCE

S/S Parkwood Road, 320' SW
centerline of Page Drive
12th Election District
7th Councilmanic District
(206 Parkwood Road)

Ben Ferstermann
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-358-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Lisa and Douglas Colonell. The variance request is for property located at 206 Parkwood Avenue in Baltimore County. The variance request is from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed second floor addition over a carport and front porch (carport setback variance previously approved in Case No. 03-150-A) with a side yard setback of 7 ft. in lieu of the required 10 ft. and a front yard setback of 26 ft. in lieu of the required average of 30 ft., and to amend the Order and Site Plan in Case No. 03-150-A. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for 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

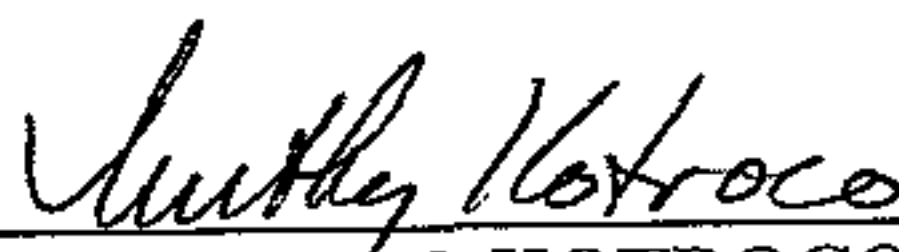
ORDER APPROVED FOR FILING
DATE 2/27/03
BY [Signature]

requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict 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 27th day of February, 2003, that a variance from Sections 1B02.3.C.1 and 303.1 of the B.C.Z.R., to permit a proposed second floor addition over a carport and front porch (carport setback variance previously approved in Case No. 03-150-A) with a side yard setback of 7 ft. in lieu of the required 10 ft. and a front yard setback of 26 ft. in lieu of the required average of 30 ft., and to amend the Order and Site Plan in Case No. 03-150-A, 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

2/27/03
R. J. Johnson



Baltimore County
Zoning Commissioner

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

February 27, 2003

Mr. Ben Ferstermann
206 Parkwood Road
Baltimore, Maryland 21222

Re: Petition for Administrative Variance
Case No. 03-358-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 black ink, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 206 Parkwood Road
which is presently zoned DR 5.5

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) BO2,3,C,1 and 303.1, BC2R, to permit a proposed second floor addition over a carport and front porch (carport setback previously variances in Case # 03-150-A) with a side yard setback of 7 feet in lieu of the required 10 feet and a front yard setback of 26 feet in lieu of the required average of 30 feet, and to amend the order and site plan in Case # 03-150-A.

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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 26th day of February, 2003, 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.

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

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JNP

Date

1/31/03

Estimated Posting Date

2/10/03

CASE NO.

03-358-A

REV 10/25/01

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):

- x
- THE REASONS THAT THE PROPOSED 2ND FLOOR ADDITION IS NEEDED TO BE ALLOWED OVER THE DRIVEWAY (CAPOT) AND OVER THE FRONT PORCH ARE AS FOLLOWS -
- Additional money would be needed to pay the power company to move and or BURIE power lines
 - Dog PENS would HAVE TO BE BROKEN UP AND DISMANTLED ALSO I WOULD HAVE TO FIND A PLACE TO PUT THEM (REBUILT THEM)
 - Need Additional living SPACE FOR FUTURE FAMILY (CHILDREN)
 - DO NOT WANT TO BUILD UP ENTIRE YARD, REASONS WHY WE DIDNT BUY A TOWNHOUSE TO HAVE A YARD
 - NEIGHBORS HAVE ALREADY, ALMOST COMPLETELY CLOSED US IN

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.

x B Ferstermann
Signature
x BENJAMIN N. FERSTERMANN
Name - Type or Print

Signature
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of JAN., 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

x Benjamin N. Ferstermann
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

x James A. Carver
Notary Public

My Commission Expires * 9/1/03

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
BALTO 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): THE REASONS THAT THE PROPOSED 2ND FLOOR ADDITION IS NEEDED TO BE ALLOWED OVER THE DRIVEWAY (CARPORT) AND OVER THE FRONT PORCH ARE AS FOLLOWS -

- ADDITIONAL MONEY WOULD BE NEEDED TO PAY THE POWER COMPANY TO MOVE AND/OR BURY POWER LINES
- DOG PENS WOULD HAVE TO BE BROKEN UP AND DISMANTLED ALSO I WOULD HAVE TO FIND A PLACE TO PUT THEM (REBUILD THEM)
- NEED ADDITIONAL LIVING SPACE FOR FUTURE FAMILY (CHILDREN)
- DO NOT WANT TO BUILD UP ENTIRE YARD, REASON WHY WE D.DNT BUY A TOWN HOUSE, TO HAVE A YARD
- NIEGHBOORS HAVE ALREADY ALMOST COMPLETELY CLOSED US IN

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 Ferstermann
Signature
B FERSTERMANN
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of JAN., 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Benjamin N. Ferstermann
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

James A. Cavan
Notary Public

My Commission Expires 9/1/03



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 206 PARKWOOD RD
which is presently zoned DR S-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) 1302.3, C, 1 AND 303.1, BCZR, TO PERMIT A PROPOSED SECOND FLOOR ADDITION OVER A CARPORT AND FRONT PORCH (CARPORT SET BACK PREVIOUSLY VARIANCED IN CASE # 03-150-A) WITH SIDE YARD SET BACK OF 7 FEET IN lieu OF THE REQUIRED 10 FEET AND A FRONT YARD SET BACK OF 20 FEET IN lieu OF THE REQUIRED AVERAGE OF 30 FEET AND TO AMEND THE ORDER AND SITE PLAN IN CASE # 03-150-A

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

Telephone No.

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 1/31/03 day of JANUARY, 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. 03-358-A

Reviewed By JNP Date 1/31/03

REV 10/25/01

Estimated Posting Date 2/10/03

ZONING DESCRIPTION FOR 206 PARKWOOD RD, BALTIMORE, MD 21222

BEGINNING AT A POINT ON THE SOUTH SIDE OF PARKWOOD ROAD WHICH IS 50 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 ~~12~~TH ELECTION DISTRICT, ~~17~~TH COUNCILMANIC DISTRICT 7

03-358-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21008

DATE 1/31/03

ACCOUNT K-001-006-6150

AMOUNT \$ 130.00

RECEIVED FROM: BSC REGISTERMAN

FOR: ADMINISTRATIVE VARIANCE (03-358-4)

206 PARKWOOD ROAD

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
2/03/2003 1/31/2003 15:41:35
REC M303 WALKIN SMAT SMW DRAWER 3
>> RECEIPT # 254059 2/03/2003 OFFICE
DEPT 5 528 ZIMING VERIFICATION
CR NO. 021008

Receipt Tot \$130.00
130.00 PK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN. VARIANCE

RE. Case No.: 03-358-A

Petitioner/Developer: PERESKY, ETAL
% C. HINKLE

Date of Hearing/Closing: 2/25/03

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

ATTENTION: BECKY HART

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 2/7/03
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 2/18/03
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

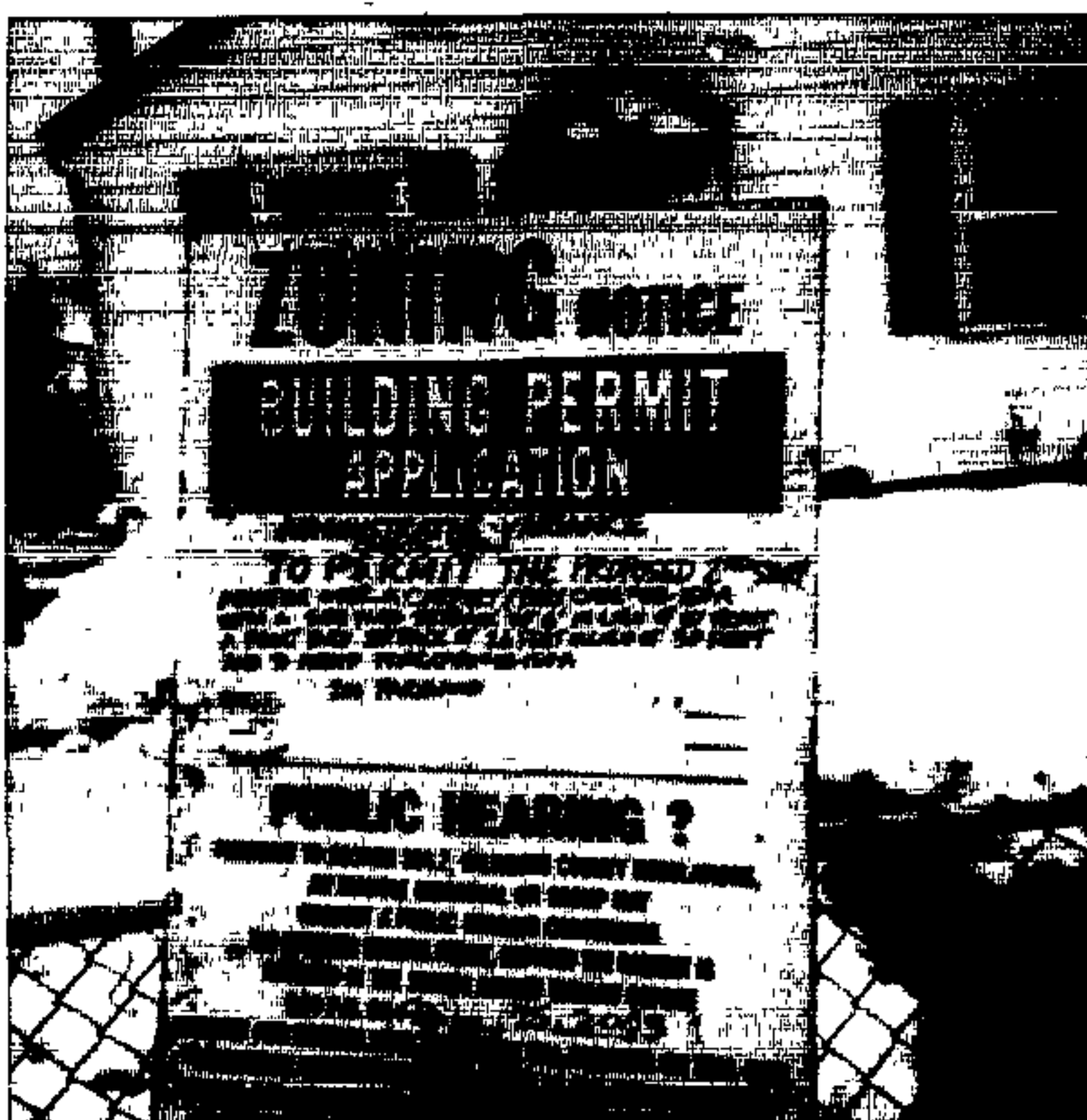
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)



#206 PARKWOOD RD.

4th brand fax transmittal memo 7671 # of pages 1	
To: BETTY ROBIN	From: O'KEEFE
Co: ZONING - COMM.	Co:
Dept:	Phone: 512-4621
Fax: 410-887-3468	Fax: 666-0929

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 358 -A Address 206 PARKWOOD ROAD
Contact Person: JEFFREY PERLOW Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 1/31/03 Posting Date: 2/10/03 Closing Date: 2/25/03

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- 358 -A Address 206 PARKWOOD ROAD
Petitioner's Name BEN FERSTERMANN Telephone 410-282-8341
Posting Date: 2/10/03 Closing Date: 2/25/03
Wording for Sign: To Permit a proposed second floor addition over a carport and front porch (Carport setback previously variances in Case #03-150-A) with a side yard setback of 7 feet in lieu of the required 10 feet and a front yard setback of 25 feet in lieu of the required average of 30 feet, and to amend the order and site plan in Case #03-150-A

WCR - Revised 6/28/00



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

February 20, 2003

Ben Festermann
206 Parkwood Road
Baltimore, MD 21222

Dear Mr. Festermann:

RE: Case Number: 03-358-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 February 10, 2003.

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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Come visit the County's Website at www.co.ba.md.us
G:\Zoning Review\Letters-ZAC Comments\03-358-A Comments.doc



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on Recycled Paper



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 11, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: February 11, 2003

Item No.: ³⁵⁸ 351-360

Dear Ms. Hart:

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.*

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: February 27, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For February 18, 2003
Item Nos. 351, 352, 353, 354, 355,
356, 357, 358, and 360

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

RECEIVED

FEB 14 2003

INTER-OFFICE CORRESPONDENCE

ZONING COMMISSIONER

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

DATE: February 11, 2003

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-358 – Administrative Variance**

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:

Mark A. Cunningham

Section Chief:

Kathy Schlabach

AFK/LL:MAC



MD MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., Governor • Michael S. Steele, Lt. Governor • Trent M. Kittleman, Acting Secretary

Date: 2.7.03

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

RE: Baltimore County
Item No. 358 JNP

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,

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

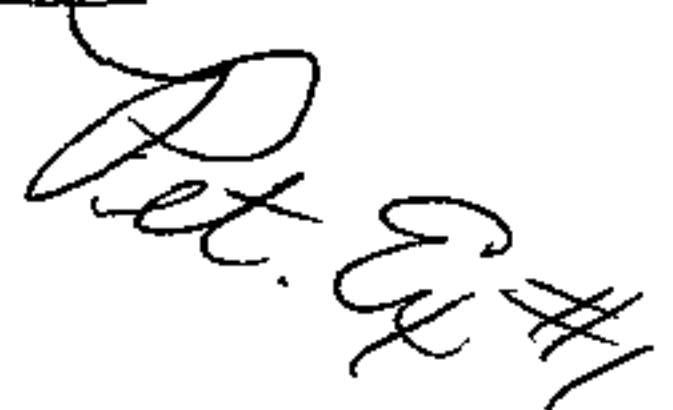
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

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

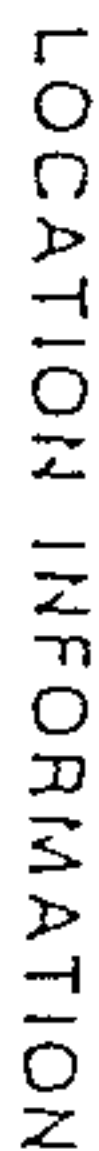
plat book # 13, folio # 34, folio # 277, section #

~~North Penn
South Penn~~



2
2
2

Scale of Drawing: 1" = 50'



Councilman District

DESS, Zoning.

2010

6672.88
square feet

Journal Pre-proof

10

10

☐ ☒

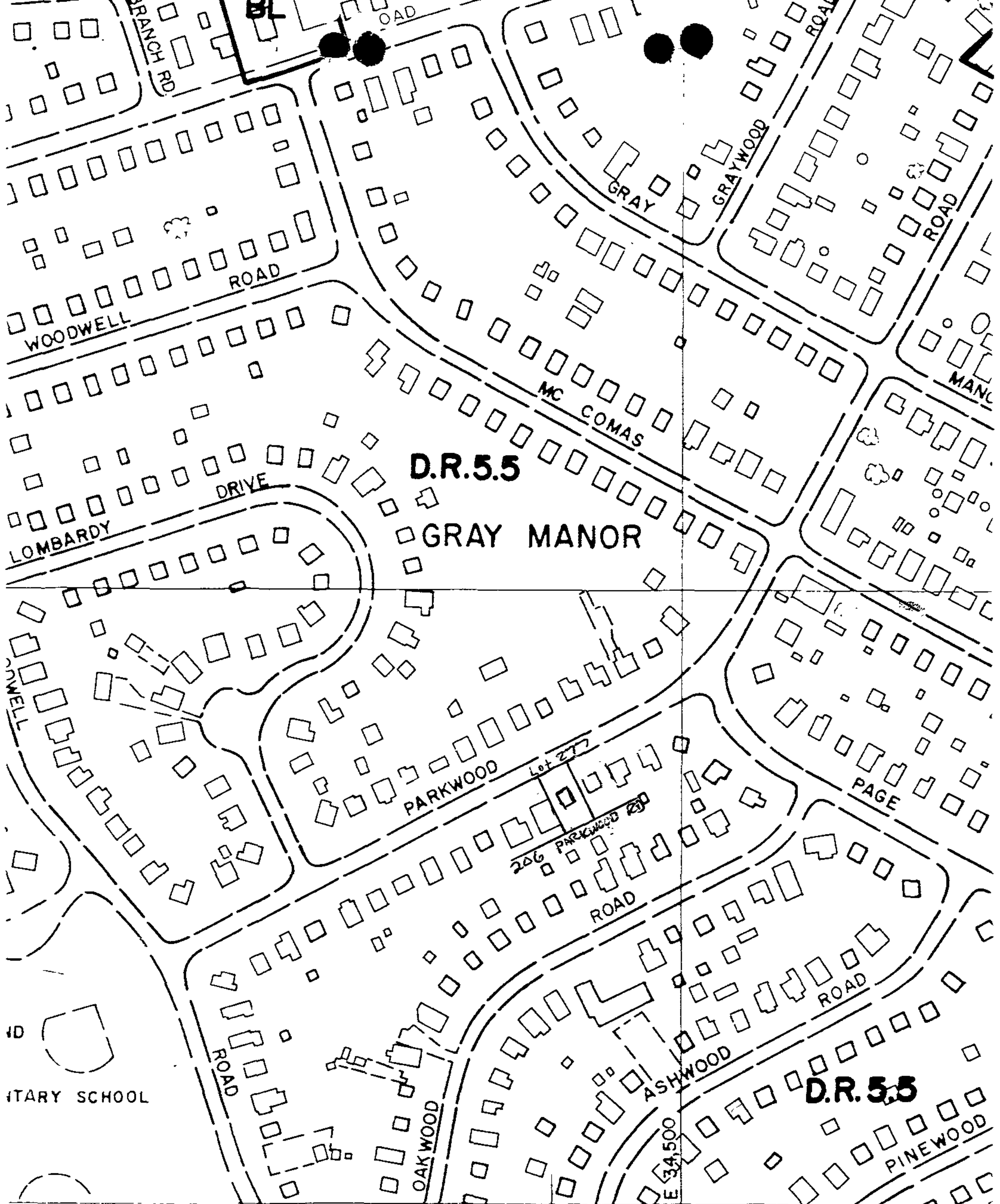
Prior Zoning Hearings: 03-150-71

NOT HISTORIC

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:

JMP 358 03-358-A



NTY

SE 2-F

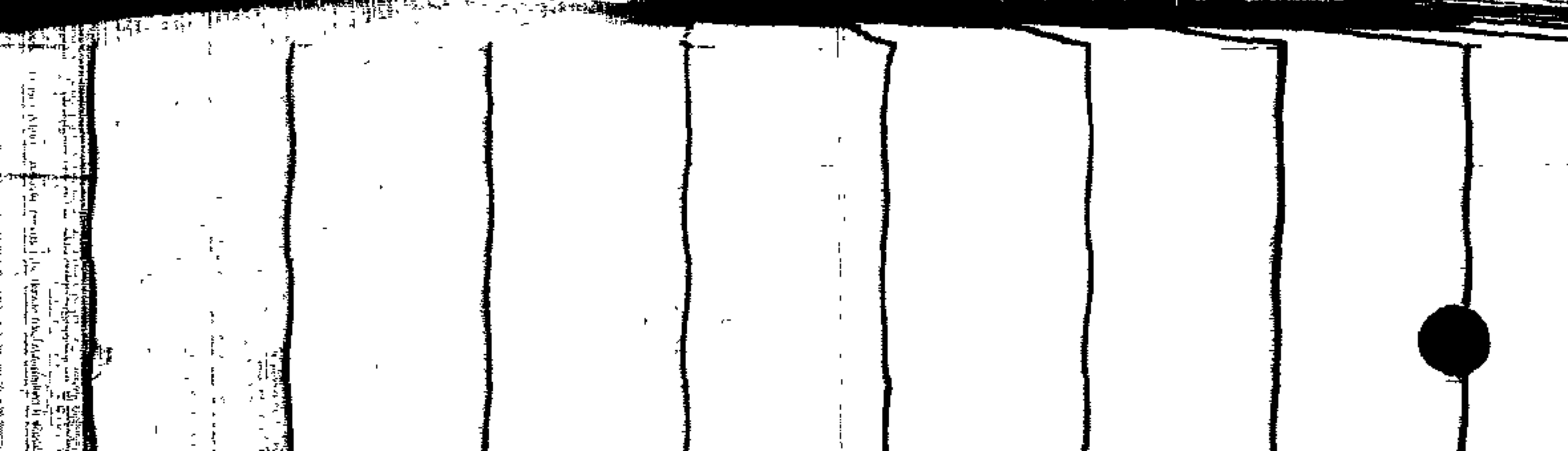
03-358-A

SCALE

1" = 200'







LOT 277

Looking ~~At~~ LOT 278
FROM RIGHT SIDE
OF HOUSE (FRONT yard)

03-358-A



LOT 277
BASIC yard
EMPHASIS, DOG pens
& WIRES

03-358-A

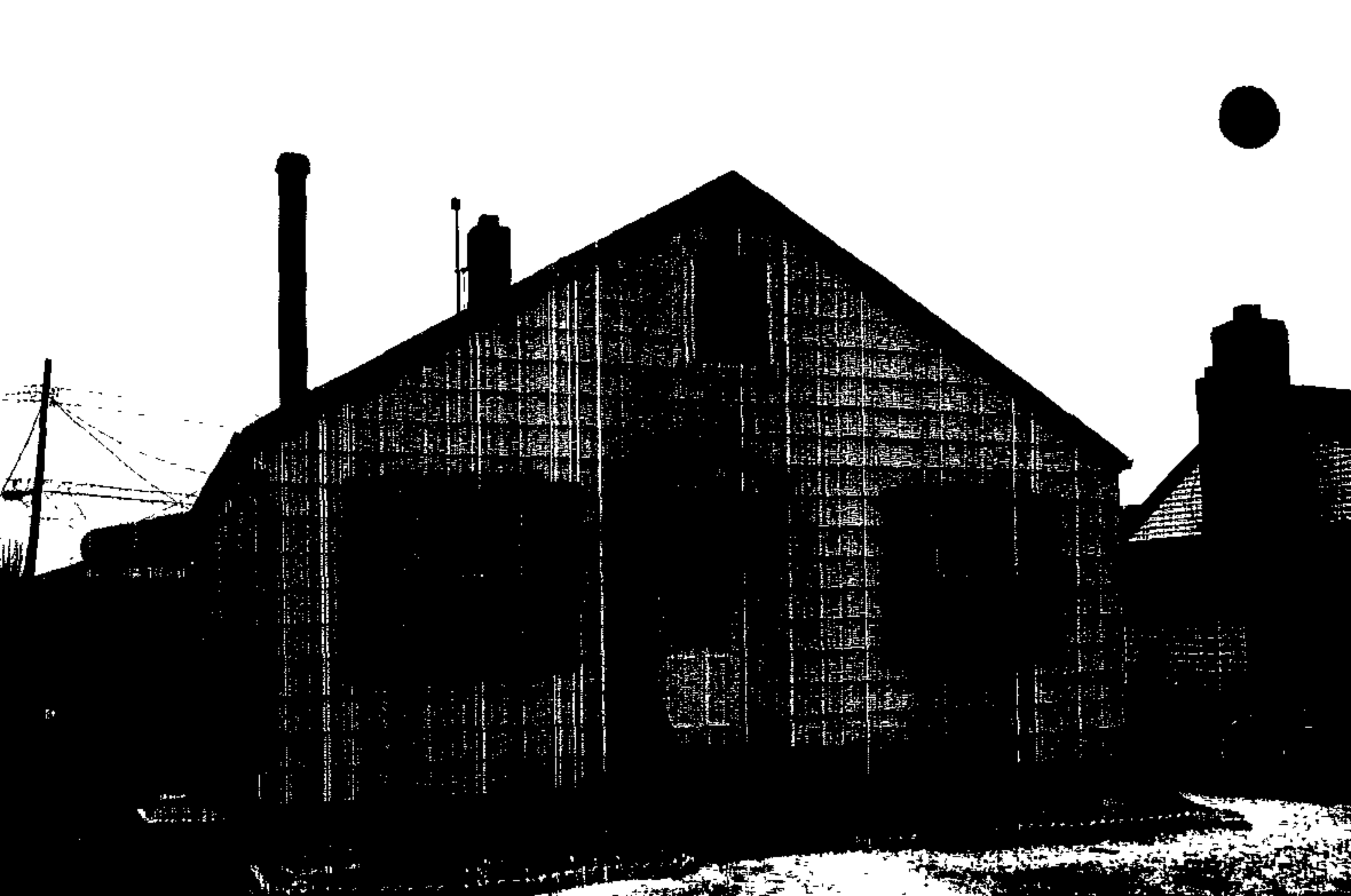












LOT #277
206 PARKWOOD RD
FRONTAL VIEW
FROM STREET

03-358-A







LOT 277

LOOKING AT LEFT
SIDE OF HOUSE
FROM BACK YARD

03-358-A

