

IN RE: PETITION FOR VARIANCE
North Side of St. Helena Avenue, 571.79'
West of c/l of Willow Spring Avenue
12th Election District
7th Councilmanic District
(266 St. Helena Avenue)

James J. and Ann E. Falkenstein
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
• CASE NO. 06-281-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by James J. and Ann E. Falkenstein, Petitioners. The variance request is for property located at 266 St. Helena Avenue in the Dundalk area of Baltimore County. The variance request is from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a carport with a side yard setback of 1 ft. on each side and 11 ft. from the center line of an alley in lieu of the required 2 ½ ft. and 15 ft. respectively.

The property was posted with a notice of the public hearing date and time on December 28, 2005 and notice given to the general public by publication in the Jeffersonian Newspaper on December 27, 2005.

Interested Persons

Appearing at the hearing on behalf of the variance request was James J. Falkenstein, Petitioner. There were no protestants or citizens attending the hearing. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

ORDER RECEIVED FOR FILING
Date 1-17-06
By [Signature]

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Office of Planning dated December 28, 2005, a copy of which is attached hereto and made a part hereof.

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 05-8149) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter due to the fact that a building permit is required for a carport at rear of location.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such

variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Testimony and Evidence

The Petitioner is building a carport at the rear of his home without a permit, the need for which he was unaware. The subject property contains 1,830 sq. ft. and is zoned DR 10.5. See Petitioner's Exhibit 1. The Petitioner indicated that this neighborhood of row homes has a garage or carport facing the alley in the rear for almost all homes in his group. He was the last home to have a dirt-parking pad off the alley. He indicated that he needs to store his full size pickup truck with ladders on the sides out of the weather. Consequently, he poured concrete to pave the parking area and started to duplicate the carport next door in terms of size and design. However, he set his carport farther back from the alley so that he can make the turn with his truck off the alley without backing up.

In regard to the size of the carport he indicated that if the setback were strictly enforced he would not be able to build a practical carport. His lot is only 15 ft. wide; 2-½ ft. setback on each side would allow a carport only 10 ft. wide. His truck with ladders is wider than that.

In regard to length, he indicated that he set his carport back away from the alley as far as he could again so that he can make the turn. The carport needs to be 20 ft. long to cover his truck. He would have to remove his existing deck around the swimming pool in his backyard in order to move the carport back any further into his yard.

Finally, he presented photographs of other wooden carports in the neighborhood including the neighbor's next door. See Exhibit 2. He noted that almost all homes along both

sides of the alley have garages, carports or the like so that he will not change the character of the neighborhood by erecting the proposed carport. He also testified that he spoke to his neighbors on each side who has no problem with the proposed carport.

Findings of Fact and Conclusions of Law

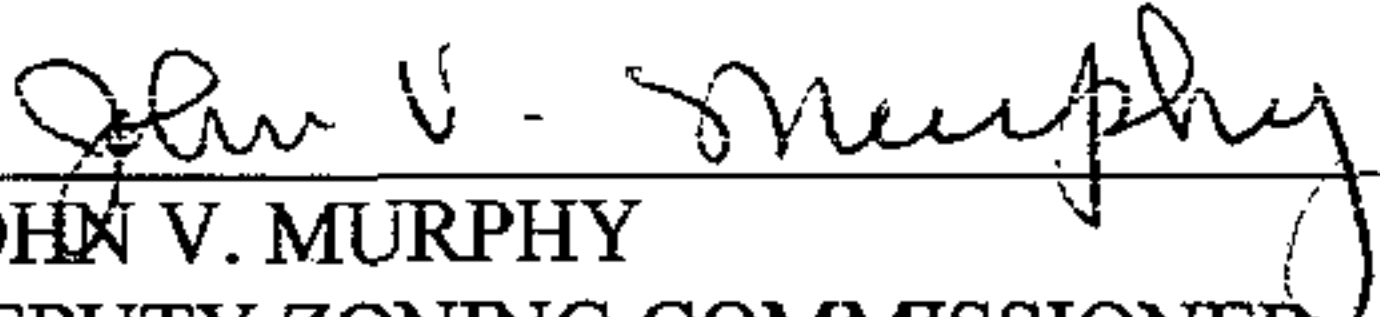
I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This property is extremely narrow at 15 ft. and so unique in a zoning sense. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioner would have to move his pool and deck to move the structure farther back into his yard and the carport needs to be this large to accommodate his truck. A 10-ft. wide carport would be not useful to this Petitioner. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting this variance. Finally, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. This carport will certainly not change the character of the neighborhood.

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 17 day of January, 2006, that a variance request from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a carport with a side yard setback of 1 ft. on each side and 11 ft. from the center line of an alley in lieu of the required 2-½ ft. and 15 ft. respectively, be and is hereby GRANTED; and subject however, to the following restrictions which are conditions precedent to the relief granted herein:

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 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. The Petitioners must be in compliance with the ZAC comments submitted by the Office of Planning dated December 28, 2005, a copy of which is attached hereto and made a part hereof.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order; and

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING

Date 1-17-06
By James Wing



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 17, 2006

James J. Falkenstein
Ann E. Falkenstein
266 St. Helena Avenue
Baltimore, Maryland 21222

Re: Petition for Variance
Case No. 06-281-A
Property: 266 St. Helena Avenue

Dear Mr. and Mrs. Falkenstein:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions 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 "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: People's Counsel; Code Inspections & Enforcement; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 266 ST. HELENA AVE
which is presently zoned DR 10.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(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) 400.1 BCZR & 400.2 BCZR

To permit a carport with a side yard setback of 1' on each side and 11' from the center line of an alley in lieu of the required 2 1/2' and 15', respectively.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by the zoning regulations, 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):

JAMES J. FAIKENSTEIN
Name - Type or Print _____
Signature James J. Falkenstein _____
Ann E. Falkenstein
Name - Type or Print _____
Signature Ann E. Falkenstein _____

Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By

JF

Date

12/6/07

ORDER RECEIVED FOR FILING
Date 12/17/07
By [Signature]

Case No. 06-281-A

ZONING DESCRIPTION

0011778 233

EXHIBIT "A"

District 12

266 ST. HELENA AVE ~~CD~~ 9

NUMBER: 5167

COUNCILMANIC

7

BEGINNING FOR THE SAME ON THE NORTH SIDE OF ST. HELENA AVENUE AT THE DISTANCE OF 571.79 FEET WESTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE NORTH SIDE OF ST. HELENA AVENUE AND THE WEST SIDE OF WILLOW SPRING AVENUE, WHICH PLACE OF BEGINNING IS IN LINE WITH THE CENTER OF THE PARTITION WALL THERE SITUATE; THENCE RUNNING WESTERLY BINDING ON THE NORTH SIDE OF ST. HELENA AVENUE 14.75 FEET TO THE LINE OF THE CENTER OF ANOTHER PARTITION WALL THERE SITUATE; THENCE NORTHERLY THROUGH THE CENTER OF THE LAST MENTIONED PARTITION WALL CONTINUING THE SAME COURSE IN ALL PARALLEL WITH WILLOW SPRING AVENUE 125 FEET TO THE SOUTH SIDE OF AN ALLEY 10 FEET WIDE; THENCE EASTERLY BINDING ON SAID ALLEY, WITH THE USE THEREOF IN COMMON WITH OTHERS, 14.75 FEET; THENCE SOUTHERLY AND THROUGH THE CENTER OF THE FIRST MENTIONED PARTITION WALL AND PARALLEL WITH WILLOW SPRING AVENUE 125 FEET TO THE PLACE OF BEGINNING. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 266 ST. HELENA AVENUE.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1598

DATE 12-6-95

ACCOUNT 001-0006-0150

AMOUNT \$ 65.00

RECEIVED FROM

Thomas Folkmantain

FOR:

266 St. Helens Ave. Item # 281
Folkman

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTING TIME

12/07/2006 12/06/2006 15:05:12

001-0001 001598 001598

001-0001 001598 001598

001-0001 001598 001598

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CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: #06-281-A

266 St. Helena Avenue

North side of St. Helena Avenue at the distance of 571.79 feet west from the centerline of Willow Spring Avenue

12th Election District - 7th Councilmanic District

Legal Owner(s): James J. and Ann E. Falkenstein

Variance: to permit a carport with a side yard setback of 1 foot on each side and 11 feet from the centerline of an alley in lieu of the required 2 1/2 feet and 15 feet respectively.

Hearing: Thursday, January 12, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT/12/737 Dec. 27 79205

CERTIFICATE OF PUBLICATION

12/29, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/27, 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06-281-A

Petitioner/Developer: JAMES J. &

ANN E. FALKENSTEIN

Date of Hearing/Closing: JAN 12, 2006

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

ATTN: KRISTEN MATTHEWS

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: _____

266 ST. HELENA AVE

The sign(s) were posted on 12-29-05
(Month, Day, Year)

Sincerely,

Robert Black 12-29-05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

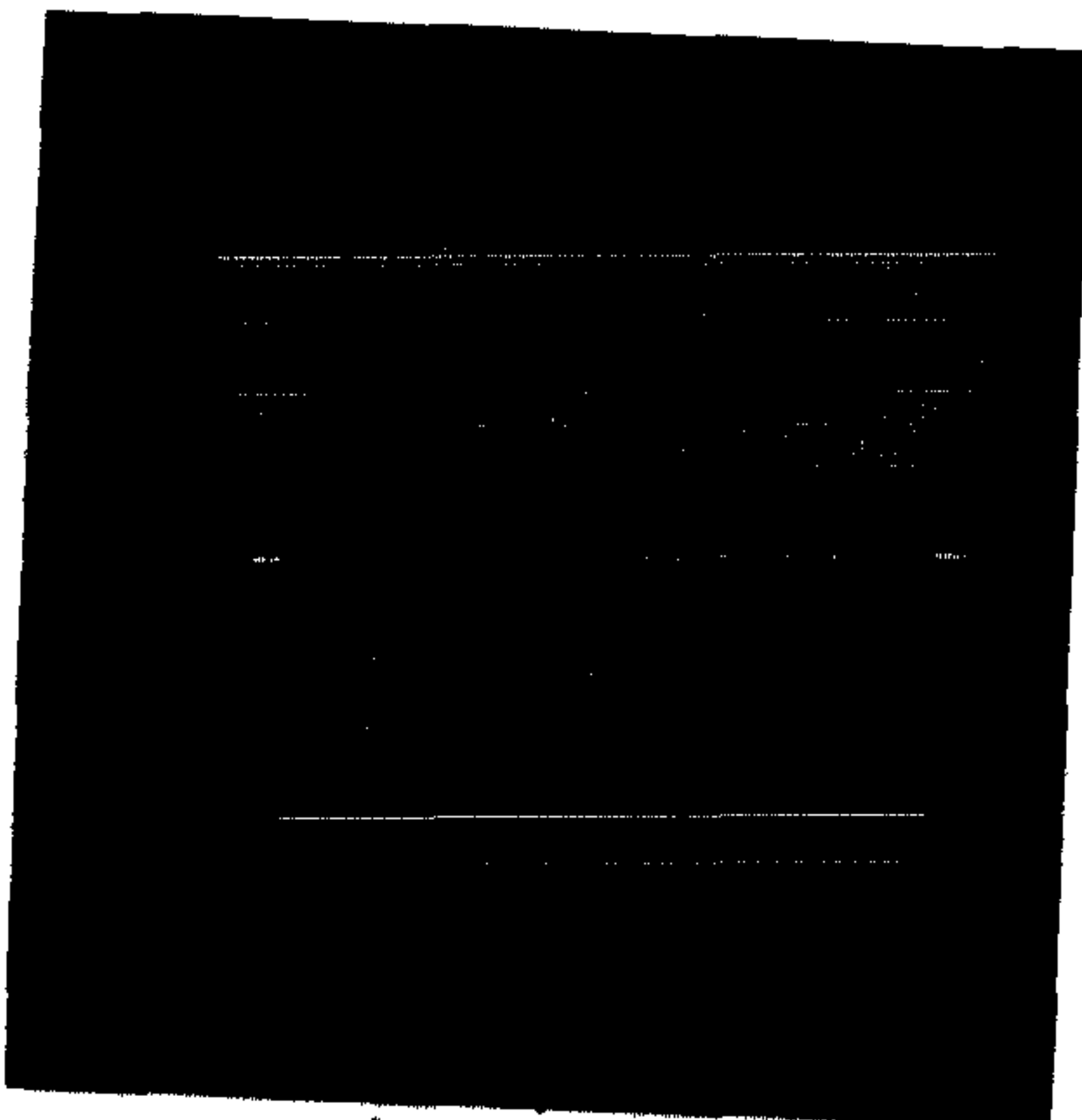
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



266 ST HELENA AVE

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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 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 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:

Item Number or Case Number 06-281-A

Petitioner JIM & ANN FALKENSTEIN

Address or Location 266 ST. HELENA AVE.

PLEASE FORWARD ADVERTISING BILL TO

Name JIM & ANN FALKENSTEIN

Address 266 ST. HELENA AVE.

Telephone Number 410 282 6501

**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

December 12, 2005

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: 06-281-A

266 St. Helena Avenue

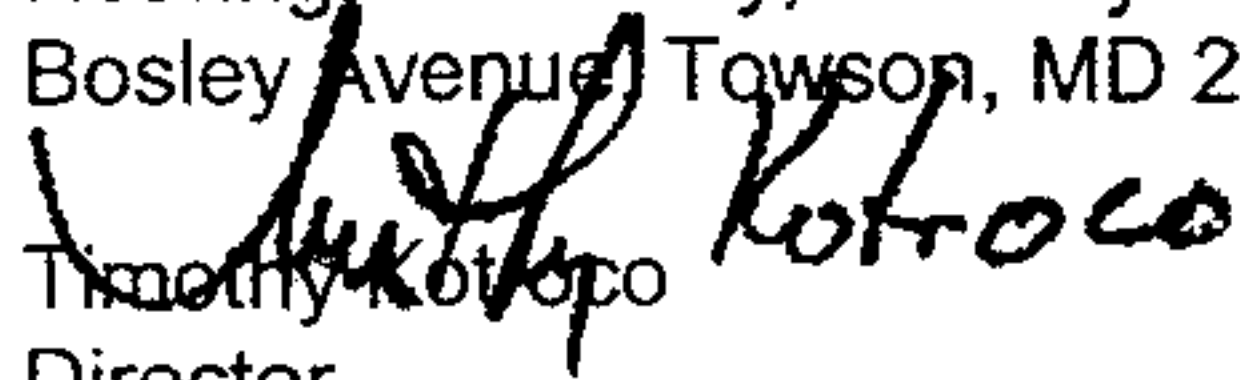
North side of St. Helena Avenue at the distance of 571.79 feet west from the centerline of Willow Spring Avenue

12th Election District – 7th Councilmanic District

Legal Owners: James J. and Ann E. Falkenstein

Variance to permit a carport with a side yard setback of 1 foot on each side and 11 feet from the centerline of an alley in lieu of the required 2 ½ feet and 15 feet respectively.

Hearing: Thursday, January 12, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204


Timothy M. Kotroco
Director

TK:raj

C: James J. & Ann E. Falkenstein, 266 St. Helena Avenue, Baltimore, MD 21222

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 28, 2005**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 27, 2005 Issue - Jeffersonian

Please forward billing to:
Jim & Ann Falkenstein (410-282-6501)
266 St. Helena Avenue
Baltimore, MD 21222

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: 06-281-A

266 St. Helena Avenue
North side of St. Helena Avenue at the distance of 571.79 feet west from the centerline of Willow Spring Avenue
12th Election District – 7th Councilmanic District
Legal Owners: James J. and Ann E. Falkenstein

Variance to permit a carport with a side yard setback of 1 foot on each side and 11 feet from the centerline of an alley in lieu of the required 2 ½ feet and 15 feet respectively.

Hearing: Thursday, January 12, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

January 9, 2006

James J. Falkenstein
Ann E. Falkenstein
266 St. Helena Avenue
Baltimore, Maryland 21222

Dear Mr. and Mrs. Falkenstein:

RE: Case Number: 06-281-A, 266 St. Helena Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 6, 2005.

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,

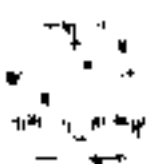
A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



Mr
1/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 28, 2005

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

RECEIVED

DEC 2 2005

SUBJECT: 266 St. Helena Avenue

INFORMATION:

Item Number: 6-281

Petitioner: James J. Falkenstein

Zoning: DR 10.5

2005/12/28

2005/12/28

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided cars are not parked between the edge of the proposed carport and the edge of paving of the existing alley. This recommendation is to prevent the disturbance of traffic flow by parked cars in the said alley.

For further information concerning the matters stated here in, please contact Amy Mantay at 410-887-3480.

Prepared by:

Curtis A. Seunary

Division Chief:

Lynn L. Lankford

AFK/LL: CM

W:\DEV\REV\ZAC\6-281.doc

ORDER RECEIVED FOR FILING
Date 1-17-06
By [Signature]



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Driven to Excel
State Highway
Administration

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 12.9.05

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 281 JRF

Dear Ms. Matthews:

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,

Steven D. Foster, Chief
Engineering Access Permits Division



Baltimore County
Fire Department

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

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

December 15, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **December 05, 2005**

Item No.: **281, 287-293**

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

Lieutenant J.D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: December 16, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 12, 2005
Item Nos. 281, 287, 288, 291, 292, 293

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

DAK:CEN:clw

cc: File

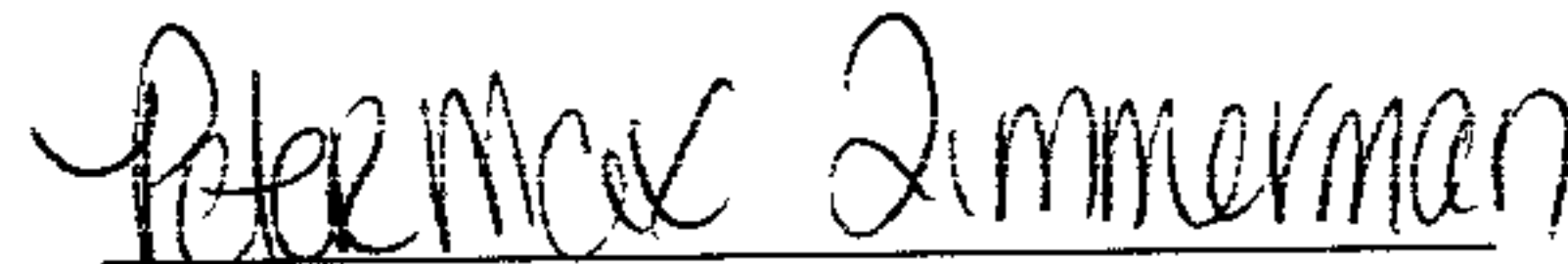
ZAC-NO COMMENTS-12162005 doc

RE: PETITION FOR VARIANCE * BEFORE THE
266 St. Helena Avenue; N/S St. Helena
Avenue, 571.79' W c/line Willow Spring Ave* ZONING COMMISSIONER
12th Election & 7th Councilmanic Districts
Legal Owner(s): James & Ann Falkenstein * FOR
Petitioner(s) * BALTIMORE COUNTY
* 06-281-A

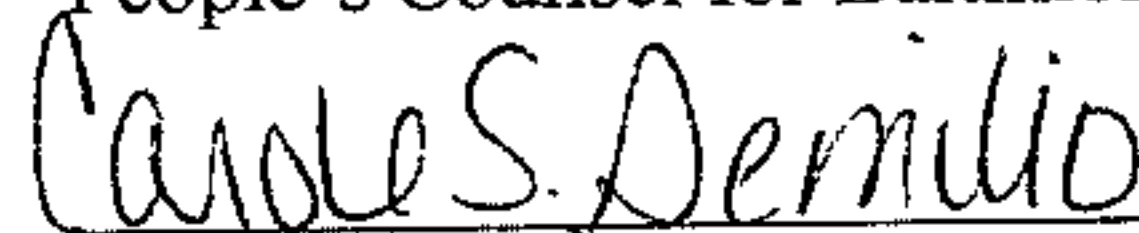
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel 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.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of Deember, 2005, a copy of the foregoing Entry of Appearance was mailed to, James & Ann Falkenstein, 266 St. Helena Avenue, Dundalk, MD 21222, Petitioner(s).

RECEIVED

DEC 12 2005

Per.....



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: December 13, 2005

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 281
Legal Owner/Petitioner Falkenstein, James
Contract Purchaser: N/A
Property Address: 266 St Helena Ave
Location Description: N/side St Helena @ distance of 571.79' W/from
Centerline of Willow Spring Ave

VIOLATION INFORMATION: Case No. 05-8149
Defendants: Falkenstein, James & Elizabeth

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | | |
|--------------------------|-----|---|
| ☐ | 1. | Complaint letter/memo/email/fax (if applicable) |
| X | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| X | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| ☐ | 7. | Lease-Residential or Commercial (if applicable) |
| ☐ | 8. | Photographs including dates taken |
| X | 9. | Correction Notice/Code Violation Notice |
| ☐ | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| ☐ | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☐ | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW:ep
C: Code Enforcement Officer

UPDATE / MESSAGE FORM

Date: 12/12/05

Inspector: Prot. 1

Case #: 05 8149

Address: 266 St Helena

Comments: Owner filed for variance 06-281-A

pu 3/13/06

Entered into AS400

UPDATE / MESSAGE FORM

Date: 11/29/05

Inspector: Prohli

Case #: 05 8149

Address: 266 St Helena

Comments: Spoke with Mr Falkenstein he stated
that meeting to file was reset for Dec 6 '05'
PU 12/12/05 CJP

Entered into AS400 W

UPDATE / MESSAGE FORM

Date: 11/15/05

Inspector: P. A. Li

Case #: 05 9149

Address: 266 St Helena

Comments: No change since last inspected per 11/29/05 JJP

Entered into AS400

JJP

UPDATE / MESSAGE FORM

Date: 10/13/05

Inspector: Pesili

Case #: 05-2199

Address: 266 St Helena Ave

Comments: Observed no change at site. Mr Falkenstein
stated that he was not able to obtain a permit because
of a zoning issue, will be applying for a variance. PU 11/15/05 PJP

Entered into AS400 nd

red 12

DE ENFORCEMENT REPORT

DATE: 9, 30, 05 INTAKE BY: HP CASE #: 05-8149 INSPEC: Pcs/Hh

COMPLAINT LOCATION: 266 St Helena ave

ZIP CODE: 21222 DIST: 12

COMPLAINANT NAME: ANON PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: Car port no permit.

IS THIS A RENTAL UNIT? YES NO
IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: NO Tax 12-07-02803/ ZONING:

INSPECTION: 10/13/05 Observed post and beams built over slab at rear. Issued stop work, posted on front door (no answer). pu 10/13/05
CJP

REINSPECTION:

REINSPECTION:

REINSPECTION:

MB
613

DATE: 10/03/2005

STANDARD ASSESSMENT INQUIRY (1)

TIME: 07:48:39

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 07 028031	12	3-0	04-00	H	NO		05/02/05

FALKENSTEIN JAMES J DESC-1.. IMPS

FALKENSTEIN ANN ELIZABETH DESC-2.. ST HELENA-COLGATE PK

266 ST HELENA AVE PREMISE. 00266 ST HELENA AVE

00000-0000

BALTIMORE MD 21222-4218 FORMER OWNER: HOOPER W DONALD, SR

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	16,000	16,000		FCV	ASSESS	ASSESS
IMPV:	24,510	27,380	TOTAL..	43,380	43,380	42,422
TOTL:	40,510	43,380	PREF...	0	0	0
PREF:	0	0	CURT...	43,380	43,380	42,422
CURT:	40,510	43,380	EXEMPT.		0	0
DATE:	10/99	09/02				

---- TAXABLE BASIS ---- FM DATE

ASSESS: 43,380 11/09/02

ASSESS: 42,422

ASSESS: 0

*410-282 6501**410 627 5815*

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Dis T
12

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 05-8149	Property No. 1207028031	Zoning:
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Name(s): James Falkenstein
Ann Falkenstein

Address: 266 St Helena

Violation Location: 266 St Helena Ave Balt 21222

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Council Bill 1-05
International Residential Code 2003

Building report at rear of location without
permit(s)

Obtain any necessary permit(s)

Subject to \$1,000 investigation fee

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 10/13/05	Date Issued: 10/03/05
---------------------------	--------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Claude J. Profile

INSPECTOR: Claude J. Profile

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN

Not Later Than: 10/13/05	Date Issued: 10/03/05
-----------------------------	--------------------------

INSPECTOR NAME: (PRINT NAME)

Copy Distribution: White: Agency Yellow: Violation Set Pink: Defendant Goldenrod: Homeless to Back

DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

#281

SITE



map # 103B3

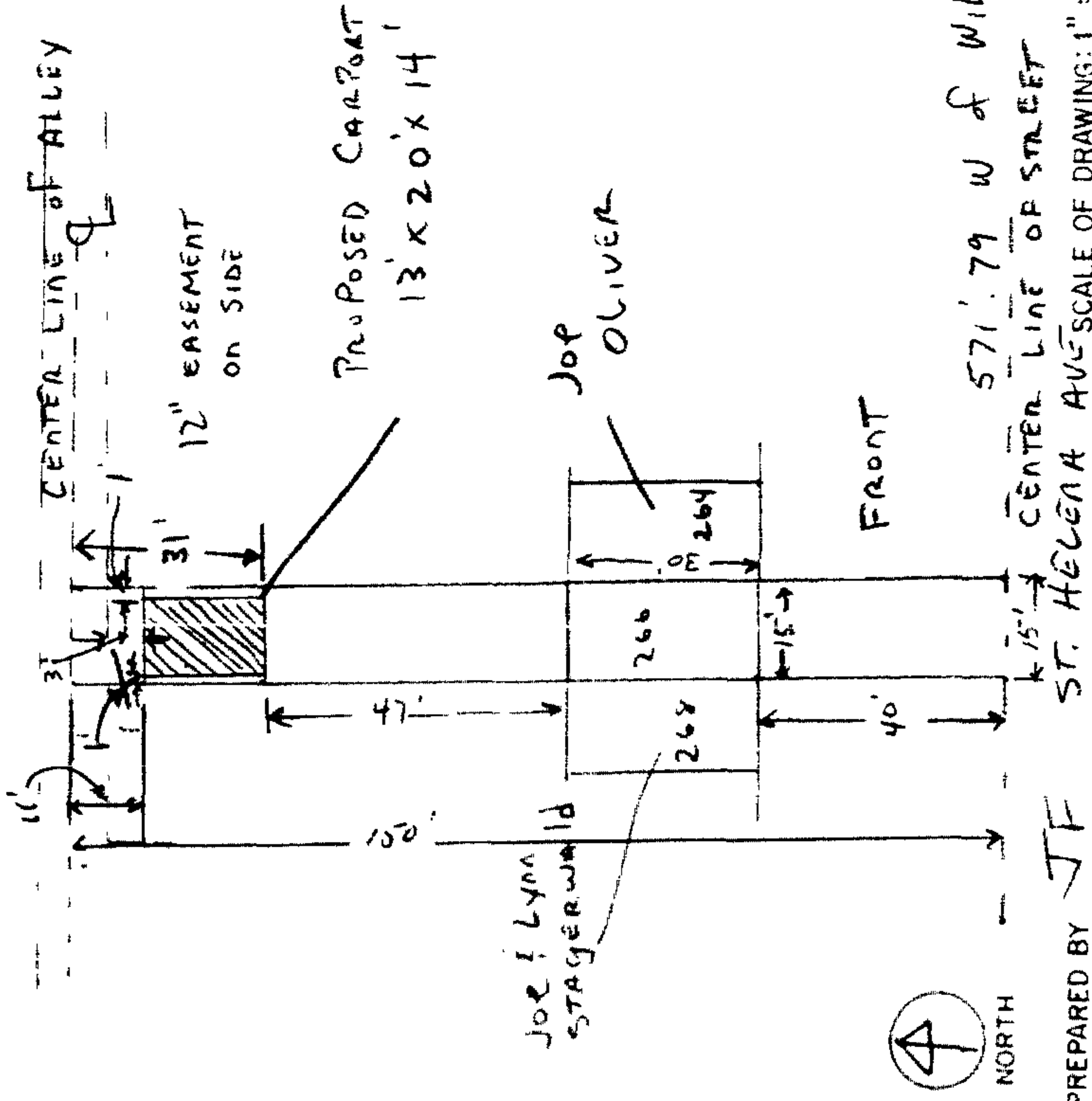
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 266 ST. HELENA AVE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME ST. HELENA

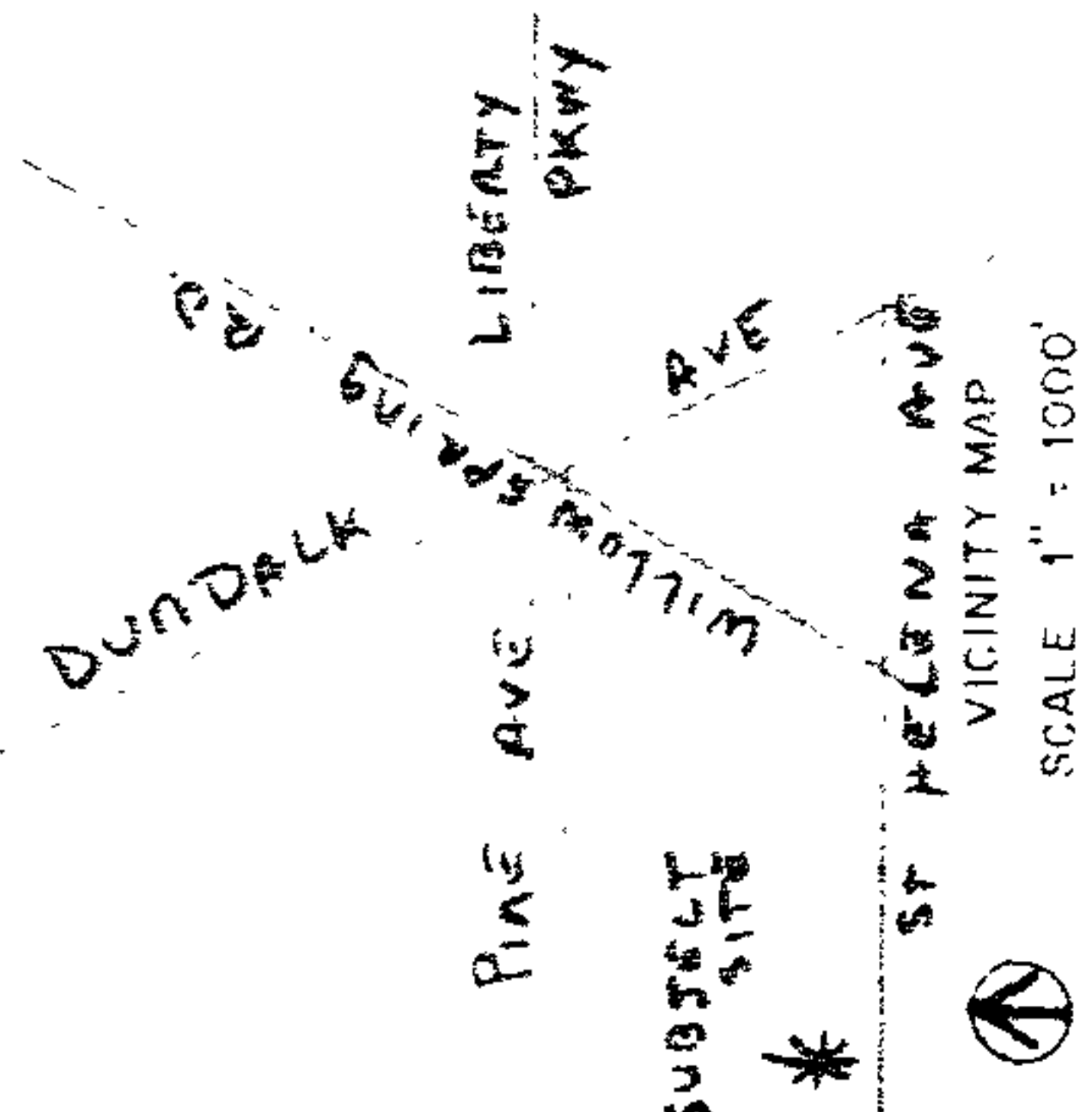
PLAT BOOK # 5 FOLIO # 38 LOT # 39 SECTION # 1 BLOCK 5

OWNER JIM & ANN FALKENSTEIN



PREPARED BY JF ST. HELENA AVE SCALE OF DRAWING: 1" = 30'

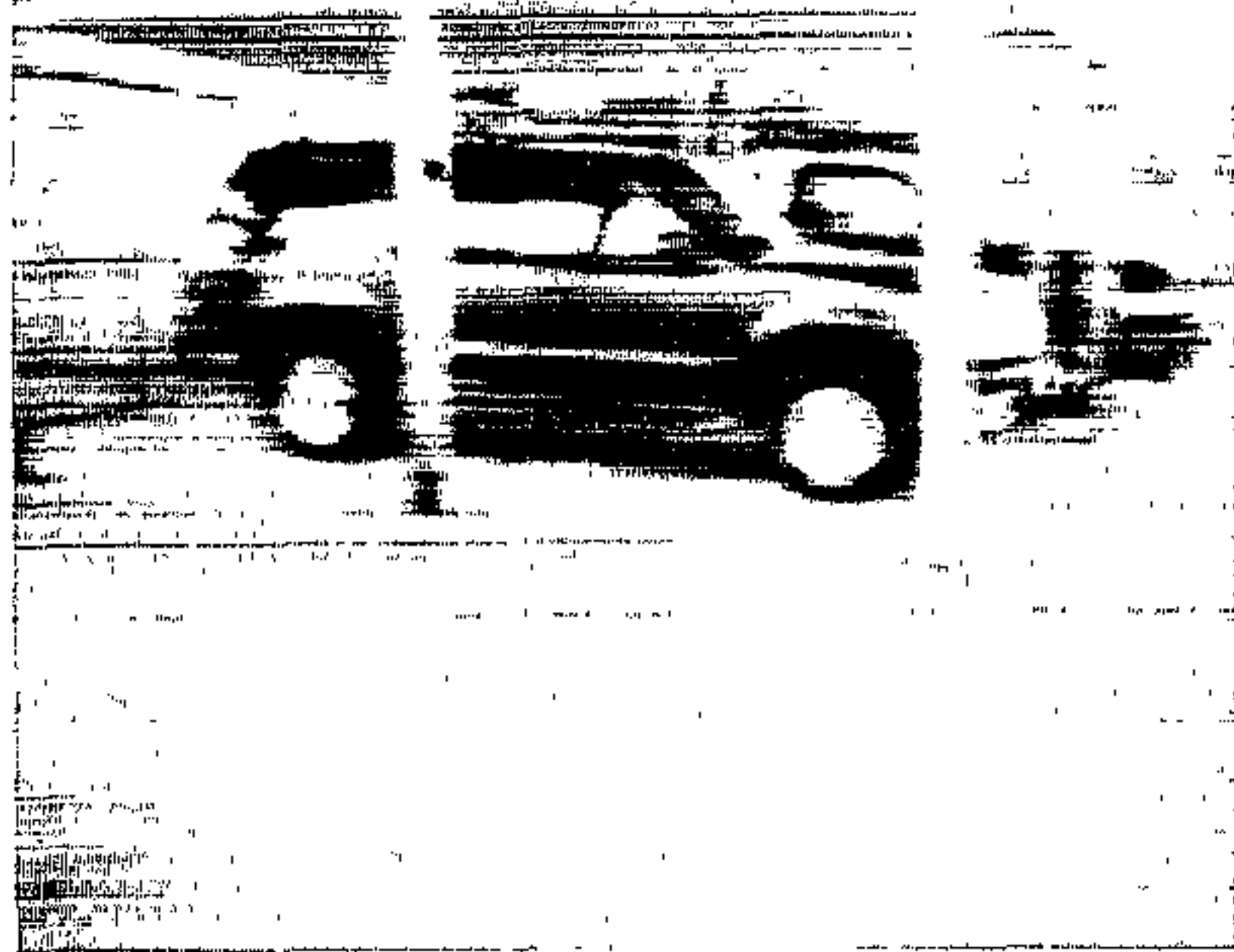
LOCATION INFORMATION ELECTION DISTRICT <u>12</u> COUNCILMANIC DISTRICT <u>7</u> 1" = 200' SCALE MAP # <u>103B3</u> ZONING <u>DR 10.5</u> LOT SIZE <u>ACREAGE</u> <u>1830</u> <u>SQUARE FEET</u> SEWER ☒ PUBLIC ☐ PRIVATE ☐ WATER ☒ ☐ CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒ 100 YEAR FLOOD PLAIN ☐ ☒ HISTORIC PROPERTY / BUILDING ☐ ☒ PRIOR ZONING HEARING <u>NONE</u>		ZONING OFFICE USE ONLY REVIEWED BY <u>JF</u> ITEM # <u>281</u> CASE # <u>06-281-A</u>
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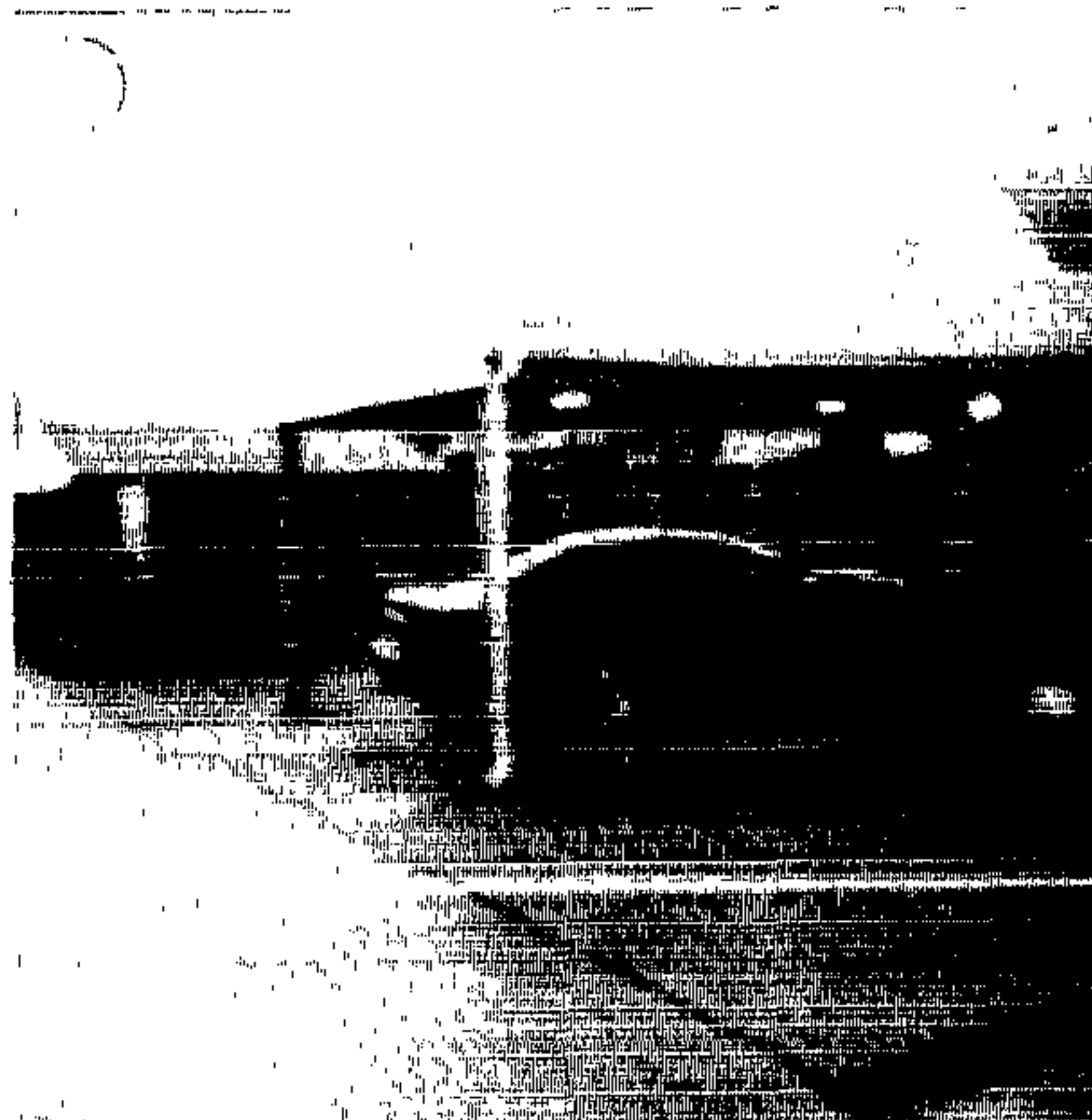
175' DALLING - 500 n 1.11



2A



2B



2C