

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Bennett Road, 30 feet north of c/l
Of Earhart Road
15th Election District
7th Councilmanic District
(102 Bennett Road)

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

Joseph C. Oswinkle, Sr. (deceased) and
Margaret A. Oswinkle and Barbara Watkins
(daughter and power of attorney)
Petitioners

* CASE NO. 07-146-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Joseph C. Oswinkle, Sr. (deceased) and Margaret A. Oswinkle and Barbara Watkins (daughter and power of attorney). The Petitioners request variance relief from Section 1B02.3.A.5 and 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a 6 foot side and front setback to street in lieu of the required 25 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and

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90-12-17
12-1-06

there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Mrs. Oswinkle is 79 years of age, wheelchair bound and living on social security with Medicare. On April 18, 2006 her house burned down. She was under insured and was not able to afford to rebuild the home as stick-built. Mrs. Oswinkle was able to find an affordable modular home. Because she is wheelchair bound she needs a large enough deck to maneuver the wheelchair to enter the home. Her previous home had decks located at the front, side and rear of the home. Having sufficient room to move the wheelchair around on the outside of the house will help Mrs. Oswinkle to stay in her home; otherwise, it might be necessary to go into a nursing home.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, as a condition to the relief granted, the Petitioners are informed that there will be limited clearing of vegetation on site and screening of the garage from Paradise Avenue is required.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

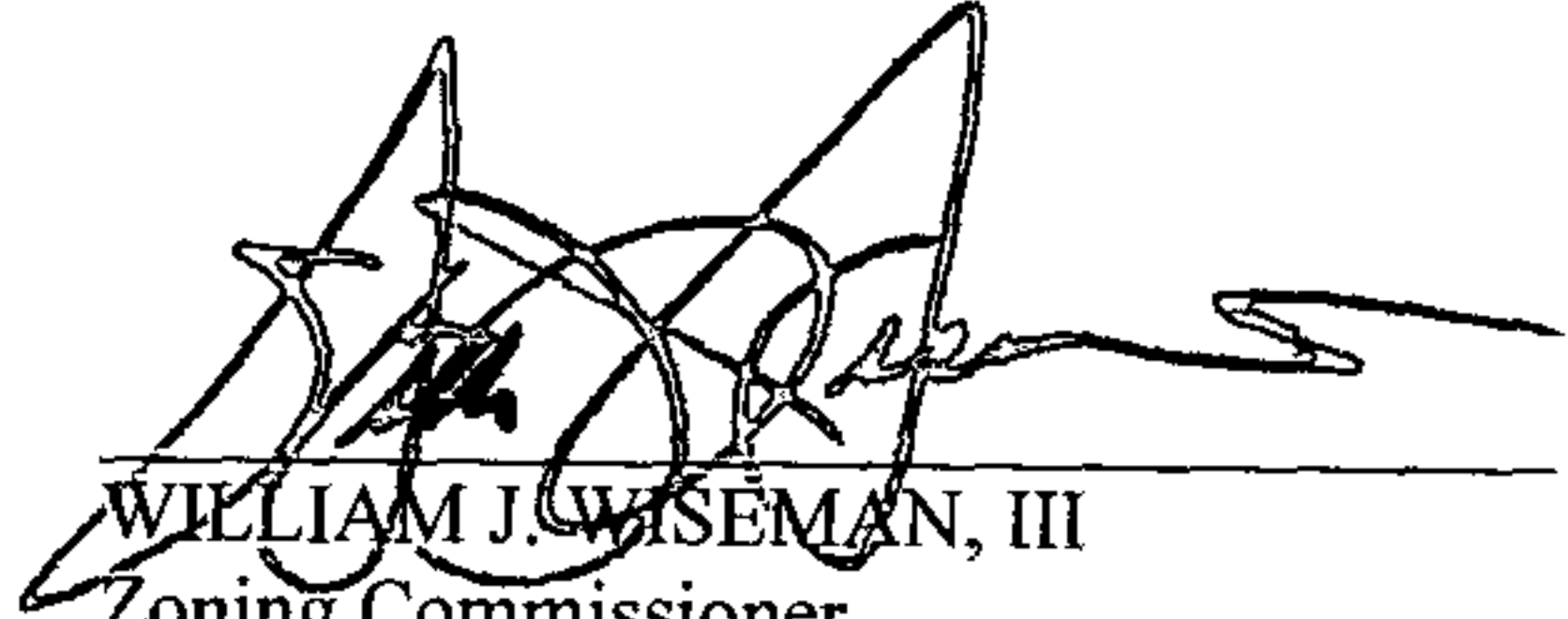
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of November, 2006 that the Petition for Administrative Variance seeking relief from Section 1B02.3.A.5 and 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a 6 foot side and front setback to street in lieu of the required 25 feet 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

30-16-11
11-21-06
[Signature]

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.

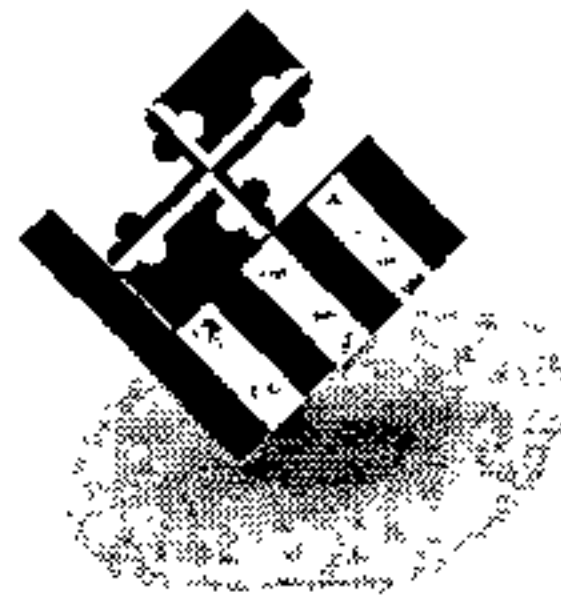
2. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

RECEIVED FOR FILING
at 11-21-06
pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 21, 2006

Margaret A. Oswinkle
102 Bennett Road
Baltimore MD 21221

RE: Petition For Administrative Variance
(102 Bennett Road)
Case No. 07-146-A

Dear Mrs. Oswinkle:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted with restrictions, 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 Department of Permits and Development Management office at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

c Barbara A. Watkins, 11345 Pulaski Highway, Lot 70, White Marsh MD 21162

FOR FILING

11-21-06

P3

CBCA



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 102 Bennett Road, Baltimore, MD 21221
which is presently zoned DR 5.5 / D.L.

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) 1302.3A.5. + 1302.3C. (B.C.R.)

TO PERMIT AN OPEN PROJECTION (DECK) WITH A 6-FOOT SIDE AND
FRONT SETBACK TO STREET IN LIEU OF THE REQUIRED 25-FEET.

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 City
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

Joseph C. Oswinkle, Sr.
Deceased
Signature
Margaret A. Oswinkle
Name - Type or Print
Barbara Watkins Barbara Watkins
Signature
102 Bennett Road (410) 335-0425
Address Telephone No.
Baltimore, Maryland 21221
City State Zip Code

Representative to be Contacted:

Barbara A. Watkins (410) 335-0425
Name
11345 Pulaski Highway, Lot 70
Address Telephone No.
White Marsh, Maryland 21162
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 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

CASE NO. 07-146-A

Reviewed By D.T.

Date 9/29/06

Estimated Posting Date 10/8/06

REV 9/15/98

RECEIVED FOR FILING

11-21-06

11

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 102 Bennett Road
Address
Baltimore, Maryland 21221
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):

I am the widow of a World War II veteran. I am 79 years of age, wheelchair bound and living on social security income with Medicare. My home was built in 1942. My neighbors are mostly older women just like me. On April 18, 2006, my house burned down. The only thing that was saved was my life. I was under-insured, so I could not afford to stick build the home. I have been lucky enough to be able to find an affordable modular home. However, that has taken every penny that I received from the insurance company for both structure and the contents. Because I am in a wheelchair, I will need a large enough deck to maneuver the wheelchair to enter the home. My previous home had three decks - front, side and rear. The decks that I am requesting fit into my neighborhood environment. My neighbors have indicated that they have no problem with me putting two decks on the house. Having sufficient room to move my wheelchair around on the outside of the house will help me to stay in my home; otherwise, it might be necessary for me to go into a nursing home for which Medicaid would have to pay since I have nothing left.

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.

Margaret A. Oswinkle
Signature

Margaret A. Oswinkle

Name - Type or Print

Barbara A. Watkins
Signature

Barbara A. Watkins

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of Sept, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Margaret A. Oswinkle

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

Sept 27, 2006
Date

Laura A. Gargano
Notary Public

My Commission Expires 10/1/08

CBCA



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 102 Bennett Road, Baltimore, MD 21221
which is presently zoned DR 5.5 / D.L.

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) 1802.3A.5. + 1802.3C. (BCZR)

TO PERMIT AN OPEN PROTECTION (DECK) WITH A 6-FOOT SIDE AND
FRONT SETBACK TO STREET IN LIEU OF THE REQUIRED 25-FEET.

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.

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Contract Purchaser/Lessee:

Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Name - Type or Print City
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

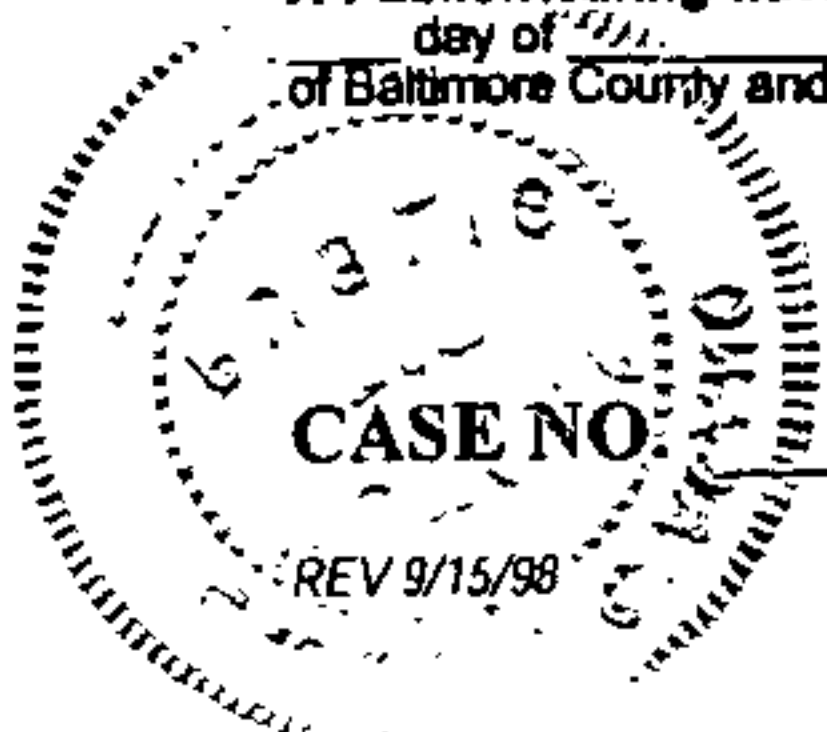
Joseph C. Oswinkle, Sr.

Name - Type or Print
Deceased
Signature
Margaret A. Oswinkle
Name - Type or Print
Barbara Watkins Barbara Watkins
Signature (SEE POWER OF ATTORNEY)
102 Bennett Road (410) 335-0425
Address Telephone No.
Baltimore, Maryland 21221
City State Zip Code

Representative to be Contacted:

Barbara A. Watkins (410) 335-0425
Name
11345 Pulaski Highway, Lot 70
Address Telephone No.
White Marsh, Maryland 21162
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 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 D.T. Date 9/29/06

Estimated Posting Date 10/8/06

RECEIVED FOR FILING

11-21-06

4303

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 102 Bennett Road
Address
Baltimore, Maryland 21221
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):

I am the widow of a World War II veteran. I am 79 years of age, wheelchair bound and living on social security income with Medicare. My home was built in 1942. My neighbors are mostly older women just like me. On April 18, 2006, my house burned down. The only thing that was saved was my life. I was under-insured, so I could not afford to stick build the home. I have been lucky enough to be able to find an affordable modular home. However, that has taken every penny that I received from the insurance company for both structure and the contents. Because I am in a wheelchair, I will need a large enough deck to maneuver the wheelchair to enter the home. My previous home had three decks – front, side and rear. The decks that I am requesting fit into my neighborhood environment. My neighbors have indicated that they have no problem with me putting two decks on the house. Having sufficient room to move my wheelchair around on the outside of the house will help me to stay in my home; otherwise, it might be necessary for me to go into a nursing home for which Medicaid would have to pay since I have nothing left.

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.

Margaret A. Oswinkle Barbara A. Watkins
Signature Signature
Margaret A. Oswinkle Barbara A. Watkins
Name - Type or Print Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

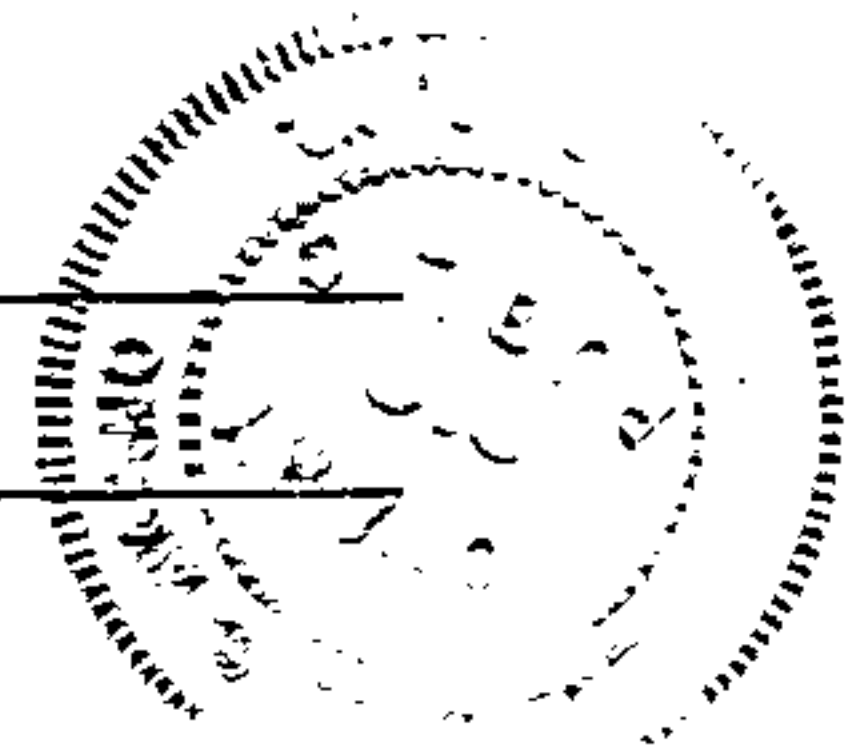
I HEREBY CERTIFY, this 27 day of Sept, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Margaret A. Oswinkle

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

Sept 27, 2006
Date

Laura A. Lergano
Notary Public
My Commission Expires 10/1/08



CBLA



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 102 Bennett Road, Baltimore, MD 21221
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TO PERMIT AN OPEN PROJECTION (DECK) WITH A 6-FOOT SIDE AND
FRONT SETBACK TO STREET IN LIEU OF THE REQUIRED 25-FEET.

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.

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Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Name - Type or Print City
Signature
Company
Address Telephone No.
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Legal Owner(s):

Joseph C. Oswinkle, Sr.
Deceased
Signature
Margaret A. Oswinkle
Name - Type or Print
Barbara Watkins Barbara Watkins
Signature
102 Bennett Road (410) 335-0425
Address Telephone No.
Baltimore, Maryland 21221
State Zip Code

Representative to be Contacted:

Barbara A. Watkins (410) 335-0425
Name
11345 Pulaski Highway, Lot 70
Address Telephone No.
White Marsh, Maryland 21162
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 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

CASE-NO.

07-146-A

Reviewed By

D.T.

Date

9/29/06

Estimated Posting Date

10/8/06

REV 9/15/98

RECEIVED FOR FILING

Date

11-21-06

[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.

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 City State Zip Code

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Margaret A. Oswinkle
 Signature

Margaret A. Oswinkle

Name - Type or Print

Barbara A. Watkins
 Signature

Barbara A. Watkins

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of September, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
 Margaret A. Oswinkle

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

Sept 27, 2006
 Date

Laura A. Gargano
 Notary Public

My Commission Expires 10/1/08

ZONING DESCRIPTION

102 BENNET ROAD

Beginning at a point on the south side of Bennet Road which is 50 feet wide at the distance of 30 feet north of the centerline of the nearest improved intersecting street, Earhart Road, which is 50 feet wide. Being Lot No. 80 Section 2, in the subdivision of Edgewater Addition as recorded in Baltimore County Plat Book No. 13 folio 33, containing 5469 square feet. Also known as 102 Bennet Road and located in the 15th Election District, 6th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21709

DATE 9/29/06

ACCOUNT

0010066150

AMOUNT \$

65.00

RECEIVED
FROM:

ROBERTA WATKINS

FOR:

ITEM # 146 07-146-A

102 BENNETT RD BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
10/23/2006 9/29/2006 15:17:22

SEE REDE WALKIN JRIC 700

>> RECEIPT # 301161 9/29/2006 07:14

Date 5 528 ZONING VERIFICATION

CR NO. 021709

Receipt Tot \$65.00

\$65.01 CR \$1.00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-146-A

Petitioner/Developer: OSWINKLE

Date of Hearing/Closing: 10-23-06

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

ATTN: Kristen Matthews {(410) 887-3394}

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:

102 BENNETT RD

The sign(s) were posted on

10-8-06

(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

10-10-06
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

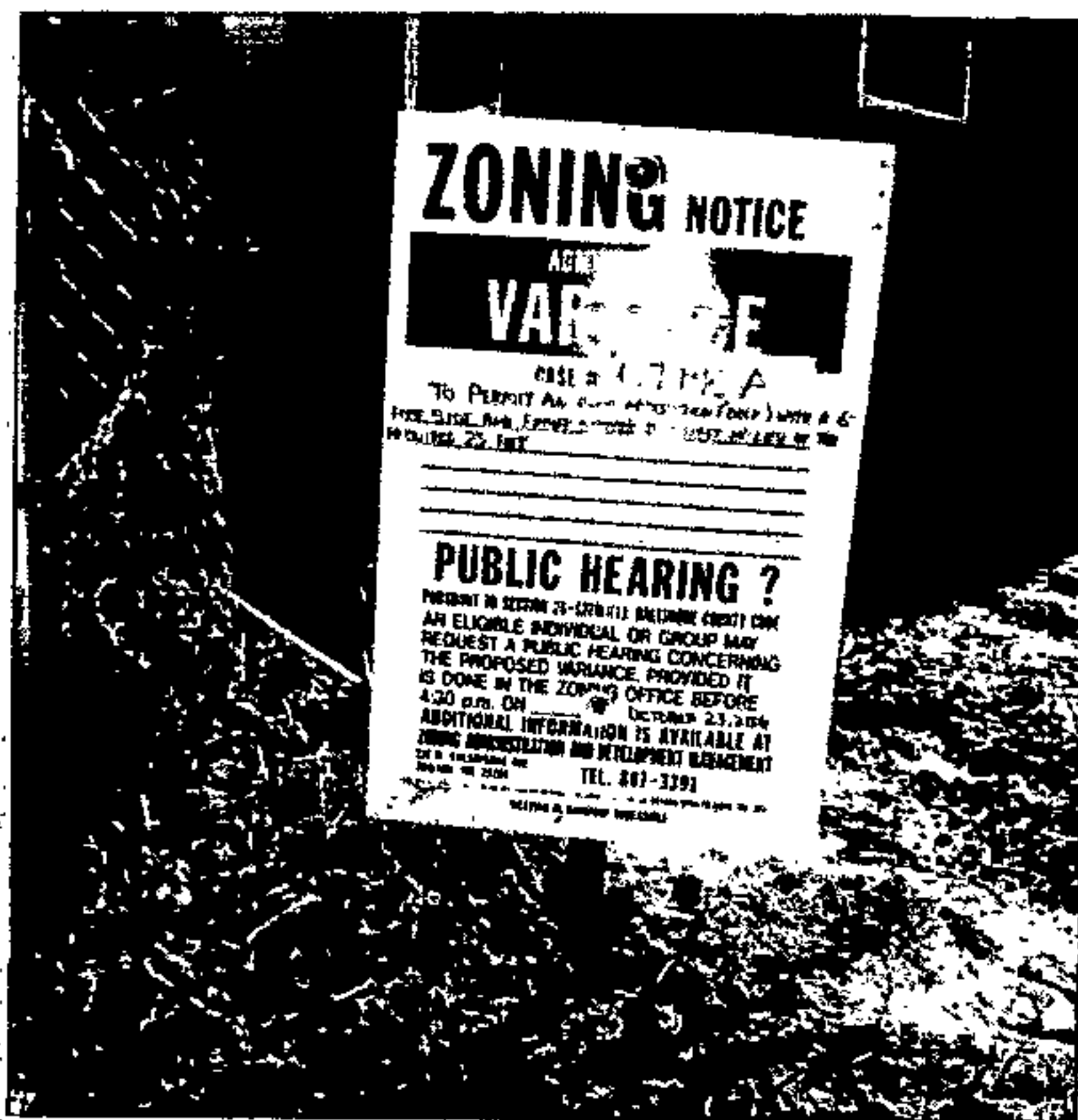
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES*

Case Number 07- 146 -A

Address 102 BENNETT RD.

Contact Person: DONNA THOMPSON

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 9/29/06

Posting Date: 10/8/06

Closing Date: 10/23/06

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 07- 146 -A

Address 102 BENNETT RD.

Petitioner's Name ~~THOMPSON~~ OSWINKLE

Telephone 410-335-0425

Posting Date: 10/8/06

Closing Date: 10/23/06

Wording for Sign: To Permit AN OPEN PROTECTION (DECK) WITH A 6-FOOT SIDE

AND FRONT SETBACK TO STREET IN LIEU OF THE REQUIRED 25-FEET.

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/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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: 07-146-A

Petitioner: OSWINKLE

Address or Location: 102 BENNETT RD.

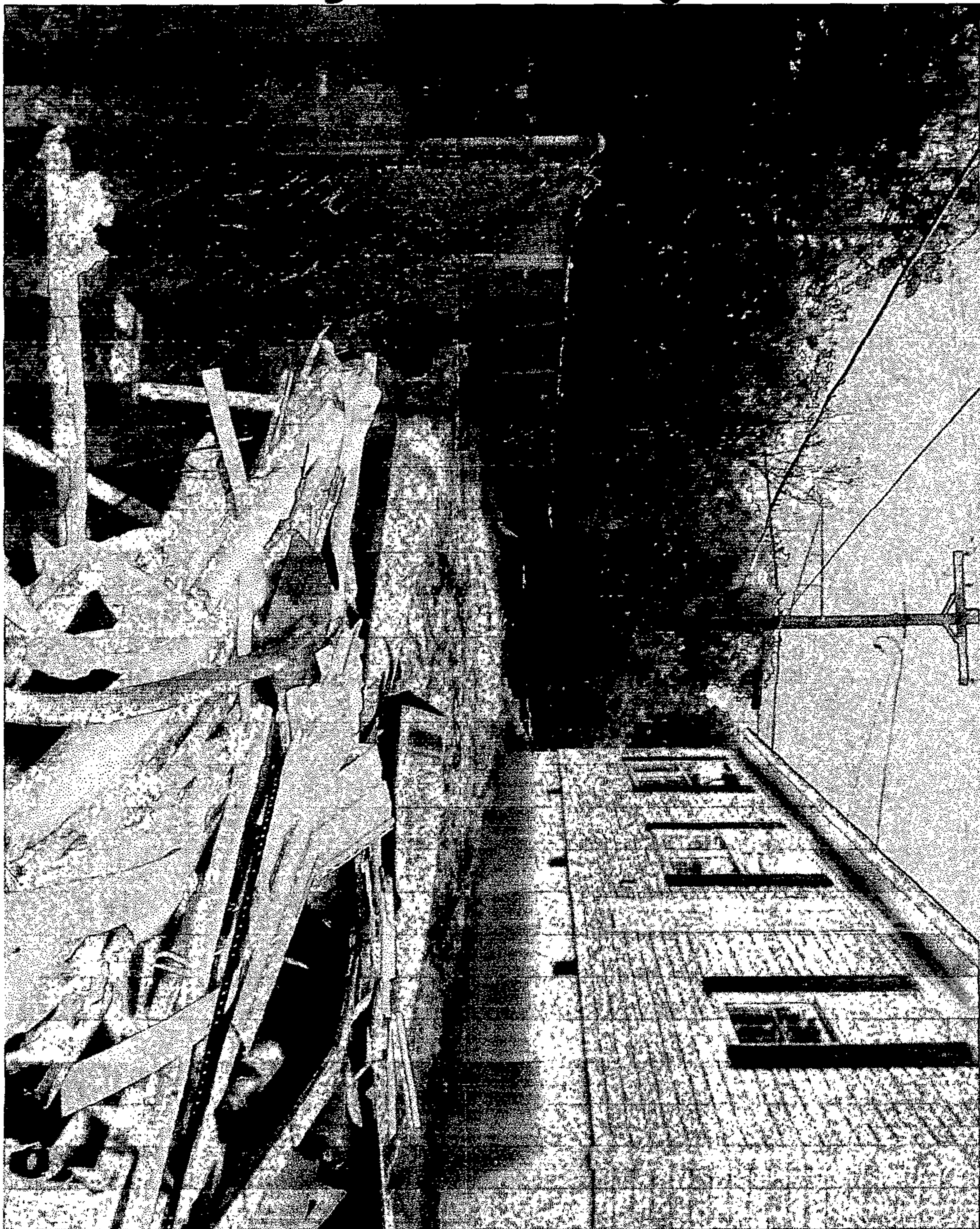
PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA A. WATKINS

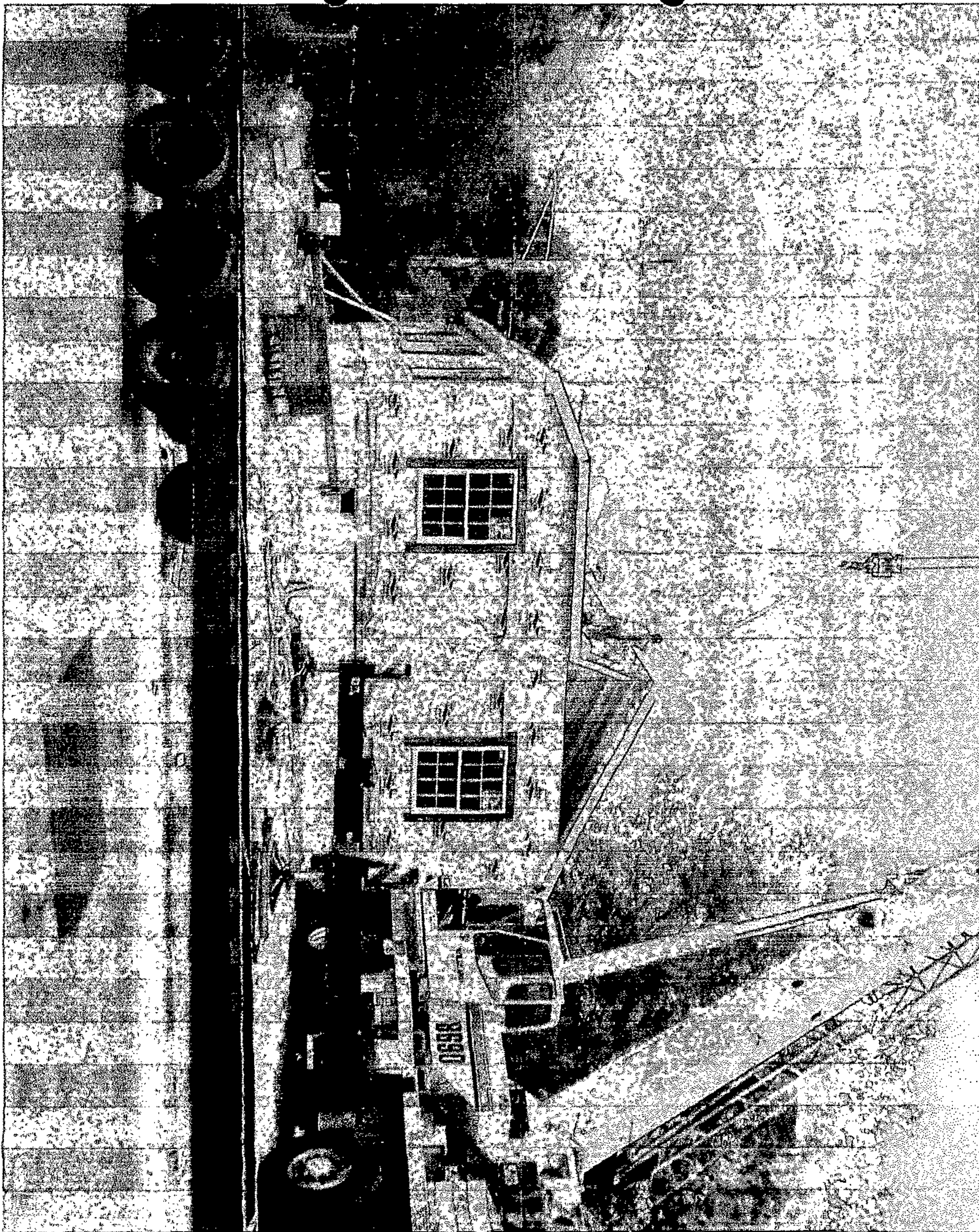
Address: 11345 PULASKI HWY, LOT 70

WHITE MARSH, MD 21162

Telephone Number: 410-335-6425



07-146-A



07-146-A



07-146-A



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

October 23, 2006

Margaret A. Oswinkle
102 Bennett Road
Baltimore, MD 21221

Dear Ms. Oswinkle:

RE: Case Number: 07-146-A, 102 Bennett Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 29, 2006.

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:amf

Enclosures

c: People's Counsel
Barbara A. Watkins 11345 Pulaski Highway, Lot 70 White Marsh 21162

GENERAL POWER OF ATTORNEY

I, MARGARET A. OSWINKLE, appoint my daughter, BARBARA ANN WATKINS, as my attorney. In the event my daughter, BARBARA ANN WATKINS, is unable or unwilling to act as such for any reason, then I appoint my son, JOSEPH C. OSWINKLE, JR., as my attorney. The written representation by the then acting attorney to the effect that the previous attorney named is then deceased, incapacitated or otherwise unwilling or unable to act shall be binding and conclusive on all persons, including myself and no person shall be liable to me, my estate or anyone else for reliance upon such written representation. I ratify all that my attorney may lawfully do or cause to be done by virtue of this general power of attorney.

POWERS

I confer upon my attorney full power to administer my personal and business affairs and to deal with all of my property, whether standing in my name alone or in my name with any other person or persons. In order to illustrate and not to limit this general authority, I set forth some of the powers which my attorney may exercise on my behalf, as follows:

1. RECEIVE PROPERTY. To receive all sums of money, dividends, interest, debts, gifts, legacies, and other property of any nature due to me.
2. DEPOSIT AND WITHDRAW FUNDS. To endorse and deposit in any account checks or other instruments payable to my order, and to sign and deliver checks or other orders for the withdrawal of funds from any account.
3. USE ASSETS FOR ME OR FOR OTHERS. To use any assets which my attorney in the liberal exercise of discretion considers appropriate for my support or health, or for the support, health or education of my spouse or any child or descendant of mine or of any person who in fact is dependent on me. However, no attorney may use any assets in a manner which would discharge any legal obligation of the attorney.
4. ENTER SAFE DEPOSIT BOX. To enter any safe deposit box in my name alone or in my name with any other person or persons.

5. **DEAL WITH PROPERTY.** To retain, invest in, sell at public or private sale, mortgage, lease, exchange, manage, subdivide, develop, build, alter, repair, improve, raze, abandon or otherwise deal with or dispose of any real or personal property, regardless of its nature, including United States savings bonds and governmental securities.

6. **BORROW FUNDS OR MAKE LOANS.** To borrow funds on my behalf from any party (including my attorneys), or to make loans, upon whatever terms, periods of time, and security my attorney considers advisable.

7. **VOTE SECURITIES.** To vote securities in person or by proxy and to enter into or participate in a voting trust or a shareholder's agreement.

8. **REGISTER IN NOMINEE FORM.** To register any property in the name of a nominee or in other form without disclosure of my interest.

9. **DISPOSE OF CLAIMS.** To pay, extend, renew, prosecute, defend, compromise or submit to arbitration all rights, obligations or claims which I may have against others or which others may have against me.

10. **EXECUTE DOCUMENTS.** To execute, acknowledge, and deliver documents.

11. **EMPLOY AGENTS.** To employ brokers, investment counsel, custodians, realtors, accountants, attorneys, and other agents, and to delegate powers and discretions to any of them.

12. **FILE TAX RETURNS AND PROSECUTE TAX CLAIMS.** To file or join in filing any tax return and make all decisions related to it, and to prosecute on my behalf before any taxing authority or court any claim or suit for refund of taxes or for predetermination of tax deficiencies.

13. **CARRY INSURANCE.** To carry insurance against damage or loss to my property or against claims of other persons.

14. **DEAL WITH LIFE INSURANCE POLICIES.** To exercise any options, rights, or privileges contained in any life insurance policy, annuity, or endowment contract in which I have an interest. This includes the right to obtain the cash surrender value, convert any policy to any other type of policy, revoke any mode of settlement and select another, and pay any part or all of the premiums on any policy or contract.

15. **APPLY FOR AND RECEIVE BENEFITS.** To apply for and receive any government, retirement, employee welfare or other benefits to which I may be entitled, including Social Security benefits; and to exercise any right to elect benefit or payment options.

16. SATISFY CHARITABLE PLEDGES. To satisfy my written charitable pledges, whether or not they are supported by legal consideration.

17. CARRY ON BUSINESS. Without filing reports with any court, to continue, incorporate, enter into, or carry on in my behalf any business, whether as a stockholder, general or limited partner, or sole or joint owner, or otherwise; to invest whatever assets may be needed in the business; to employ agents to operate the business; to serve in any capacity with the business; to receive reasonable compensation for services, in addition to compensation for general services as my attorneys; and to reorganize, liquidate, merge, consolidate, or transfer the business or any part of it.

18. MAKE CHARITABLE AND FAMILY GIFTS. To make gifts on my behalf to charitable organizations and/or members of my family, in whatever amounts my attorney considers desirable, taking into consideration all relevant factors, including tax savings and my general pattern of giving, if any. However, no attorney may make any gift (1) to herself in excess of \$5,000 in any calendar year, unless appropriate for the attorney's support, health or education, or (2) that would discharge a personal legal obligation of the attorney.

19. ESTABLISH A REVOCABLE LIVING TRUST. To establish a revocable living trust for my benefit and to transfer all or any part of my assets to the trustees or trustee thereof; and such trust, if established by my attorney, shall be revocable by my attorney and shall be revocable by me, acting alone, in the same manner and subject to the same conditions and restrictions hereinafter required for revocation of this Power of Attorney, or to transfer from time to time and at any time to the trustee or trustees of any revocable trust agreement created by me before or after the execution of this instrument, as to which I am, during my lifetime, a primary income and principal beneficiary, any or all of my cash, property or interest in property, including any rights to receive income from any source.

20. DO ALL THINGS WITH FINAL AUTHORITY. To do all things which I would be able to do myself. All decisions made by my attorneys in good faith are binding on all persons.

DURABILITY

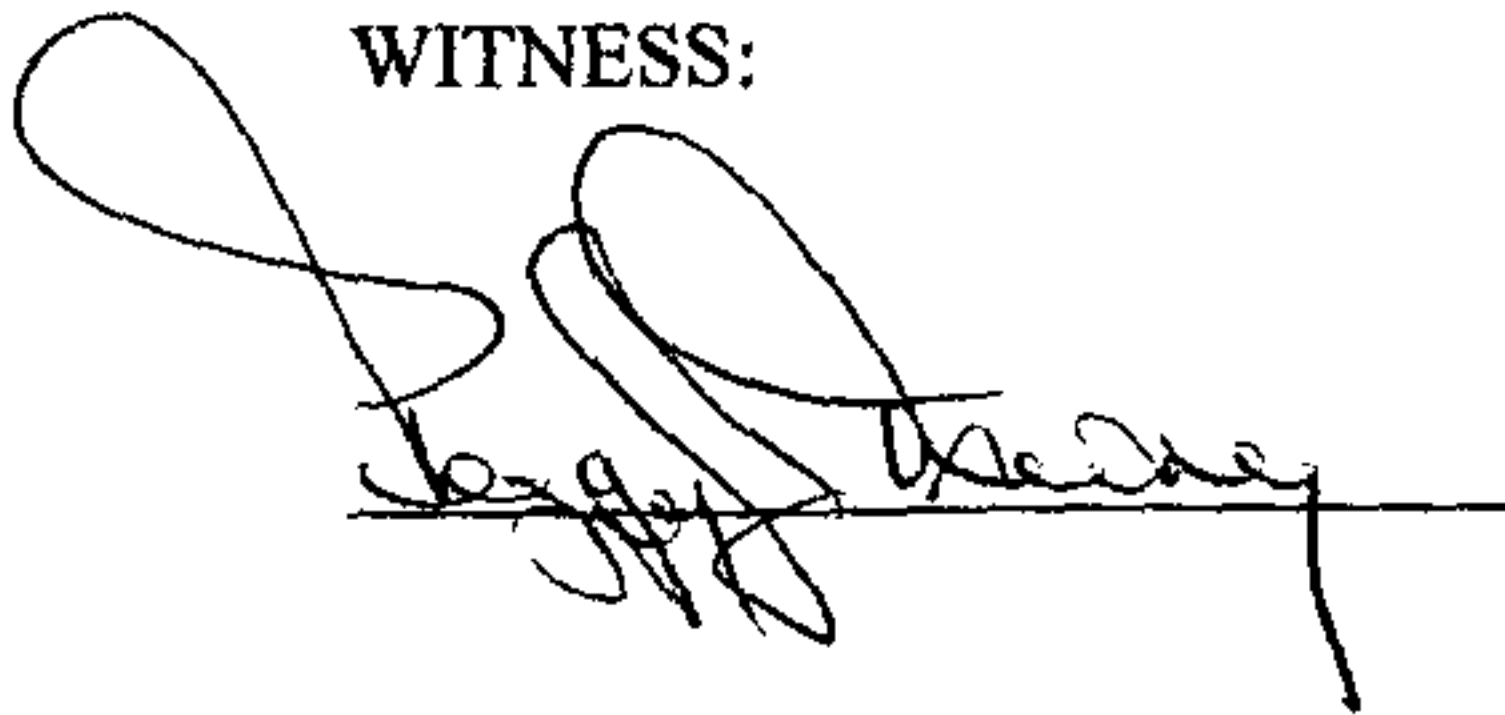
This general power of attorney shall not be affected by lapse of time or by my disability or incapacity but shall continue in full force and effect during my disability or incapacity.

GUARDIAN OR CONSERVATOR

I request that no guardianship or conservatorship proceeding for the administration of my property be commenced if I am disabled or incapacitated. If for any reason a proceeding becomes necessary or advisable, I appoint my daughter, BARBARA ANN WATKINS, and if she fails to qualify or ceases to act as such, my son, JOSEPH C. OSWINKLE, JR., to be my guardian or conservator. I excuse each guardian or conservator from giving bond.

EXECUTED on May 27, 2006

WITNESS:



Margaret A. Oswinkle (SEAL)
MARGARET A. OSWINKLE

I HEREBY CERTIFY that on this 27th day of May, 2006, before me, a notary public of the State of Maryland, personally appeared MARGARET A. OSWINKLE, and acknowledged this general power of attorney to be her act and deed.

Laura A. Lergano
Notary Public

My commission expires: 10-1-08

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

NOV 21 2006

PLANNING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: November 21, 2006

SUBJECT: Zoning Item # 07-146-A
Address 102 Bennett Road
(Oswinkle Property)

Zoning Advisory Committee Meeting of October 9, 2006

- ☒ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- ☐ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- ☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
 - ☐ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
 - ☐ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

(This property is NOT located in the CBCA.)

Reviewer: Kevin Brittingham

Date: 11/14/06

Patricia Zook - Case 07-146-A (admin. variance) DEPRM comments needed

From: Patricia Zook
To: Livingston, Jeffrey
Date: 11/20/2006 4:41:54 PM
Subject: Case 07-146-A (admin. variance) DEPRM comments needed

Hi Jeff-

just checking on the status of DEPRM comments for this case. The petitioner and contractor are calling us.

Patti Zook
Legal Secretary
Baltimore County
Office of the Zoning Commissioner
410-887-3868

>>> Patricia Zook 10/31/2006 10:40 AM >>>
Hi Jeff -

We need DEPRM comments for the above-referenced case which closed on October 23, 2006. The site is located at 102 Bennett Road and within the CBCA.

Thanks for your help!

Patti Zook
Legal Secretary
Baltimore County
Office of the Zoning Commissioner
410-887-3868

From: Patricia Zook
To: Livingston, Jeffrey
Date: 10/31/2006 10:41:54 AM
Subject: Fwd: Case 07-146-A (admin. variance) DEPRM comments needed

The case number is **07-146-A**, located at 102 Bennett Road.

Sorry for the confusion!

Patti Zook
Legal Secretary
Baltimore County
Office of the Zoning Commissioner
410-887-3868

>>> Patricia Zook 10/31/2006 10:40 AM >>>
Hi Jeff -

We need DEPRM comments for the above-referenced case which closed on October 23, 2006. The site is located at 102 Bennett Road and within the CBCA.

Thanks for your help!

Patti Zook
Legal Secretary
Baltimore County
Office of the Zoning Commissioner
410-887-3868

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

RECEIVED
DATE: October 16, 2006

OCT 19 2006

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

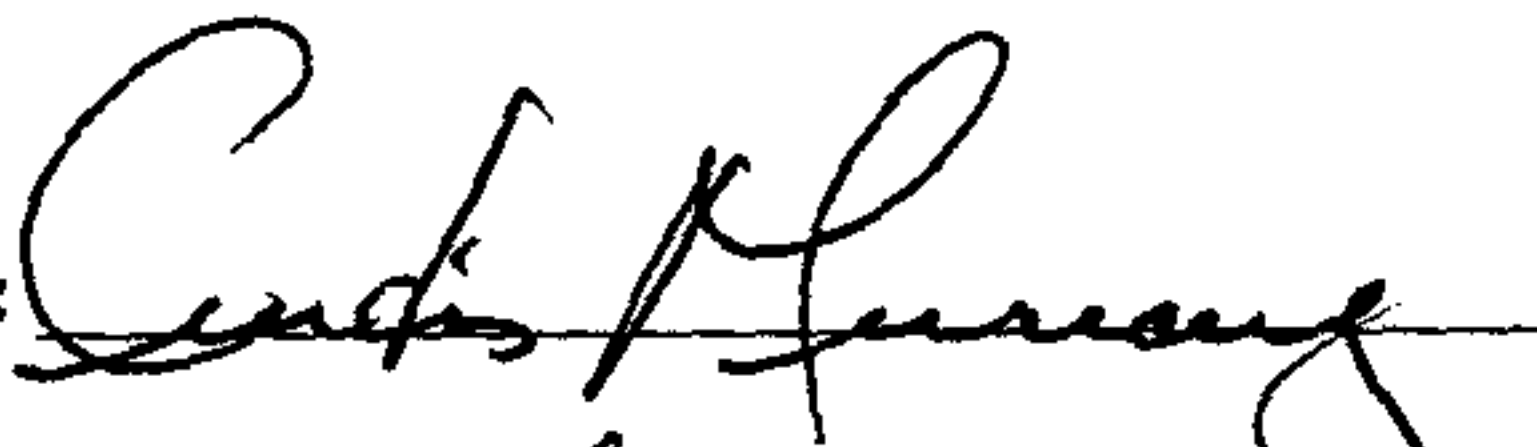
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-146-Administrative Variance

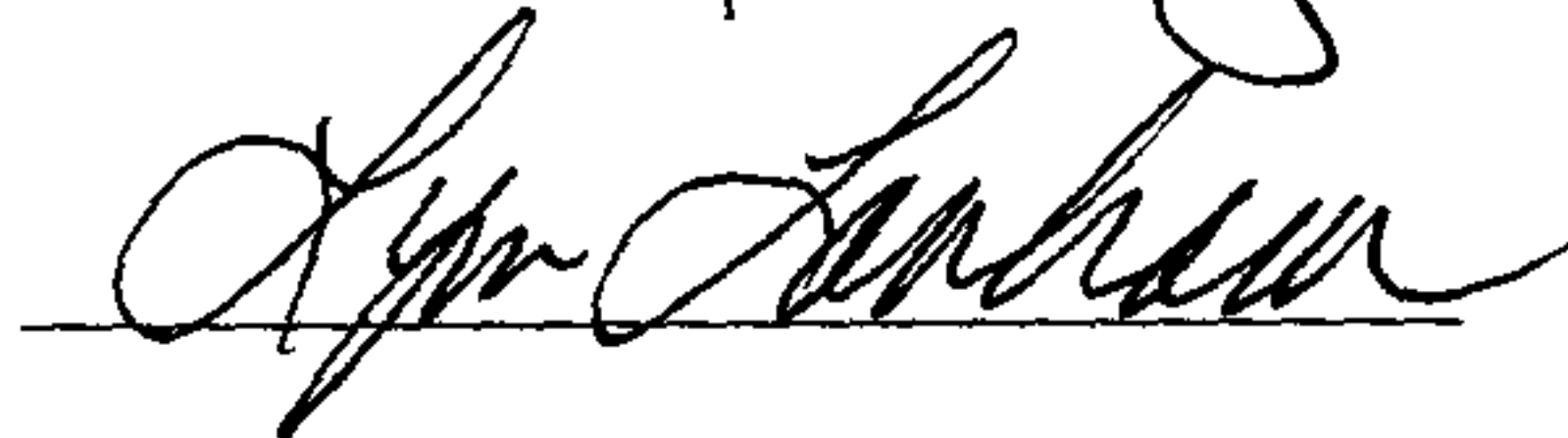
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

October 23, 2006

Margaret A. Oswinkle
102 Bennett Road
Baltimore, MD 21221

Dear Ms. Oswinkle:

RE: Case Number: 07-146-A, 102 Bennett Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 29, 2006.

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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Barbara A. Watkins 11345 Pulaski Highway, Lot 70 White Marsh 21162

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCTOBER 15, 2006

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

RE: Baltimore County
Item No. 07-146-A
OSWINKLE/WATKINS PROPERTY
VARIANCE - TO PERMIT AN
OPEN DECK PROJECTION IN
LIEU OF REQUIRED 25'
102 BENNETT ROAD

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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

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



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

October 9, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 9, 2006

Item Number(s): 145 through 156

146

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 18, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For October 16, 2006
Item Nos. 07-145, 146, 147, 148, 149,
150, 151, 152, 153, 154, 155 and 156

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

DAK:CEK:clw.

cc: File

ZAC-NO COMMENTS-10132006.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCTOBER 15, 2006

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

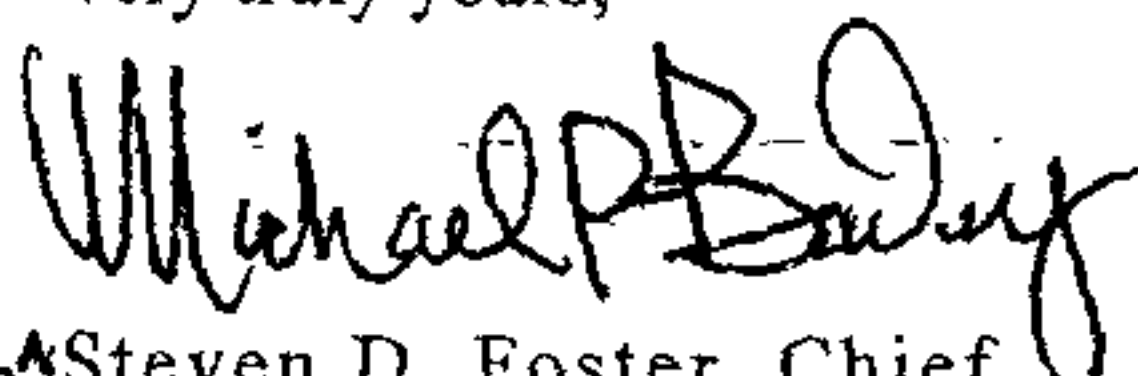
RE: Baltimore County
Item No. 07-146-A
OSWINKLE/WATKINS PROPERTY
VARIANCE - TO PERMIT AN
OPEN DECK PROJECTION IN
LIEU OF REQUIRED 26'
102 BENNETT ROAD

Dear Ms. Matthews:

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Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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



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

October 9, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 9, 2006

Item Number(s): 145 through 156

¹⁴⁶
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Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

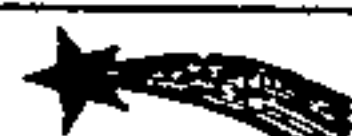
cc: File



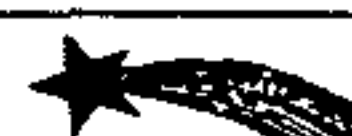
Census 2000



For You, For Baltimore County



Census 2000



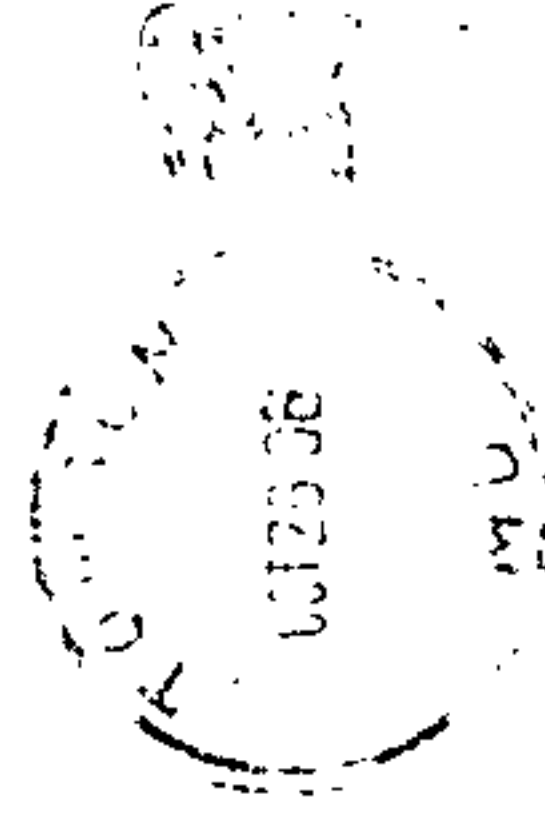


Baltimore County
Department of Permits and
Development Management
Zoning
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Return Service Requested

Margaret A. Oswinkle
102 Bennett Road
Baltimore, MD 21221

10-25-05BAL MD212PRST15YCLS

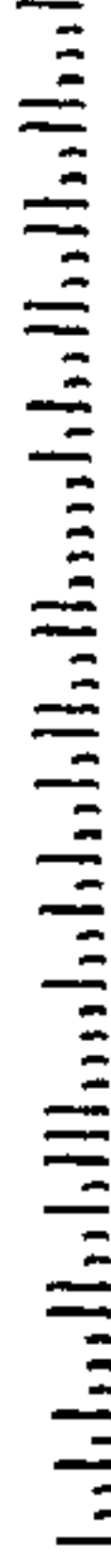


30
50
100

T 212 NO 1 406 I 08 10/28/05
RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER

OSWINKLE

IAF:HSM3 21221
21204%4602



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: November 21, 2006

SUBJECT: Zoning Item # 07-146-A
Address 102 Bennett Road
(Oswinkle Property)

Zoning Advisory Committee Meeting of October 9, 2006

- ☒ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- ☐ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- ☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
 - ☐ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
 - ☐ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property is NOT located in the CBCA.

Reviewer: Kevin Brittingham

Date: 11/14/06

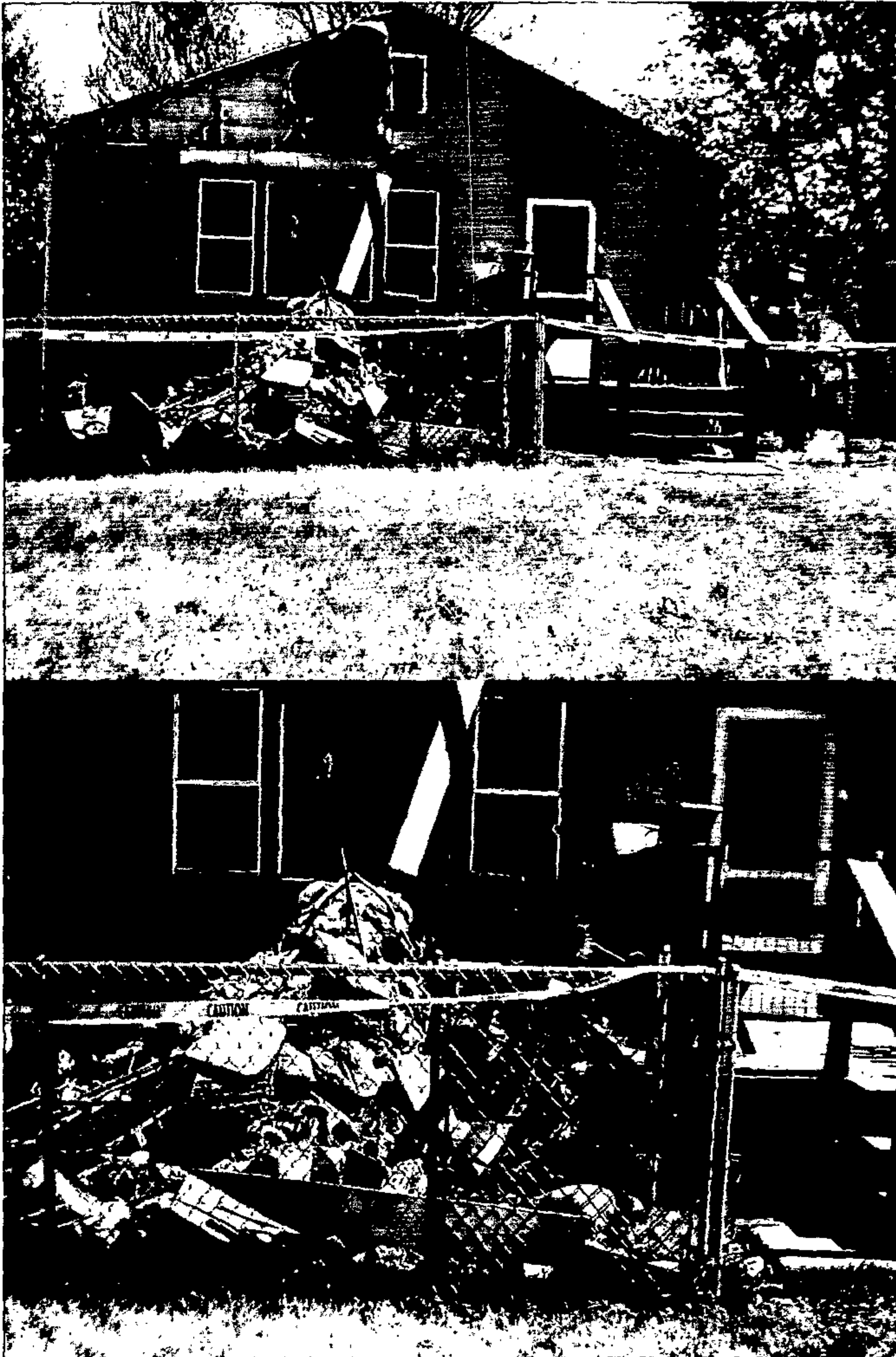
CARRINGTON (4), LLC
Demolition Division...



side porch

PROJECT LOCATION: 102 BENNETT AVENUE, BALTIMORE, MD 21221

CARRINGTON (4), LLC – SITE REVIEW





Concrete
front porch
3. inch - no
railings

Concrete
steps -
wooden porch





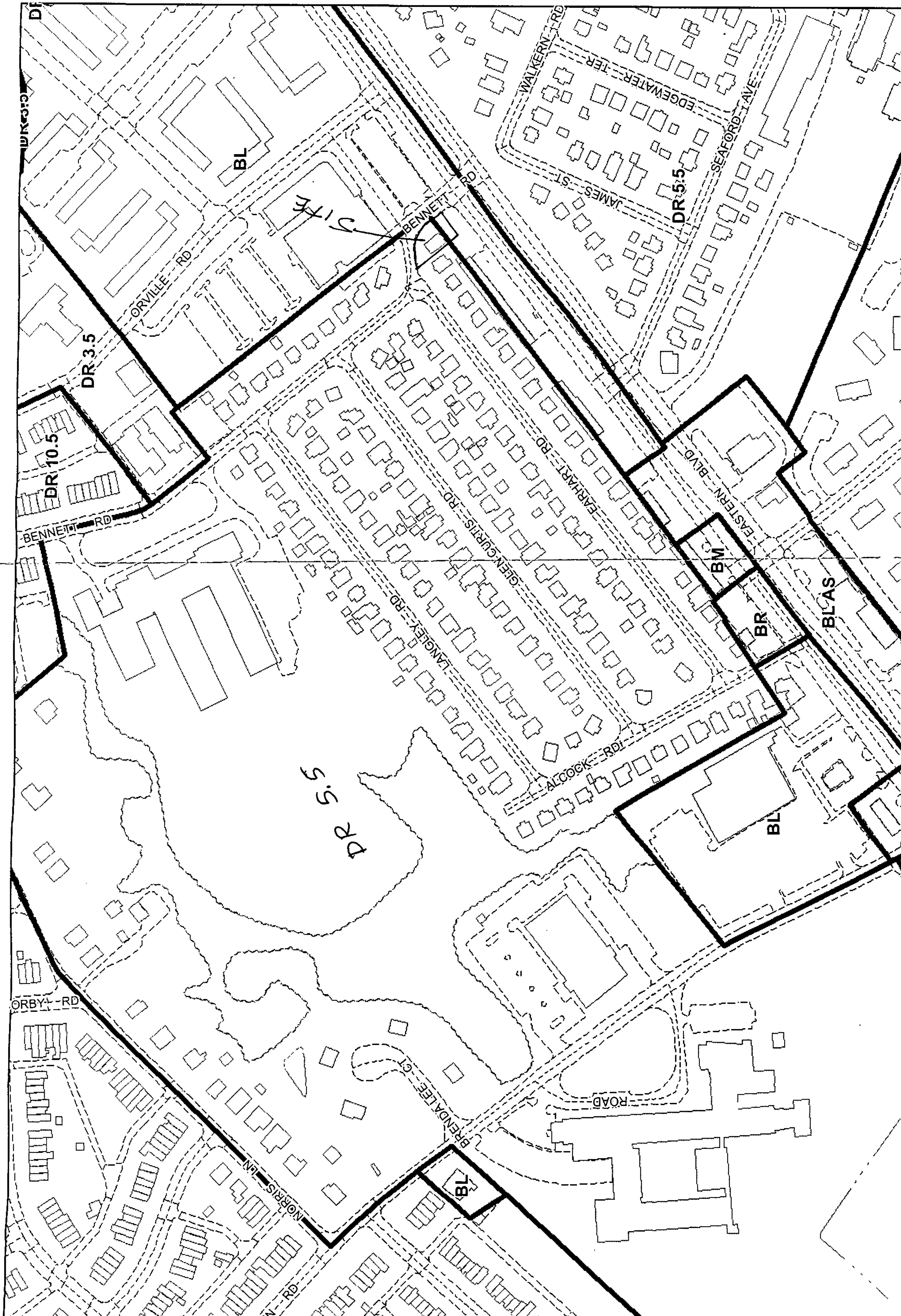
no railing
on steps



090B3

1"=200'

07-146-A



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Exception

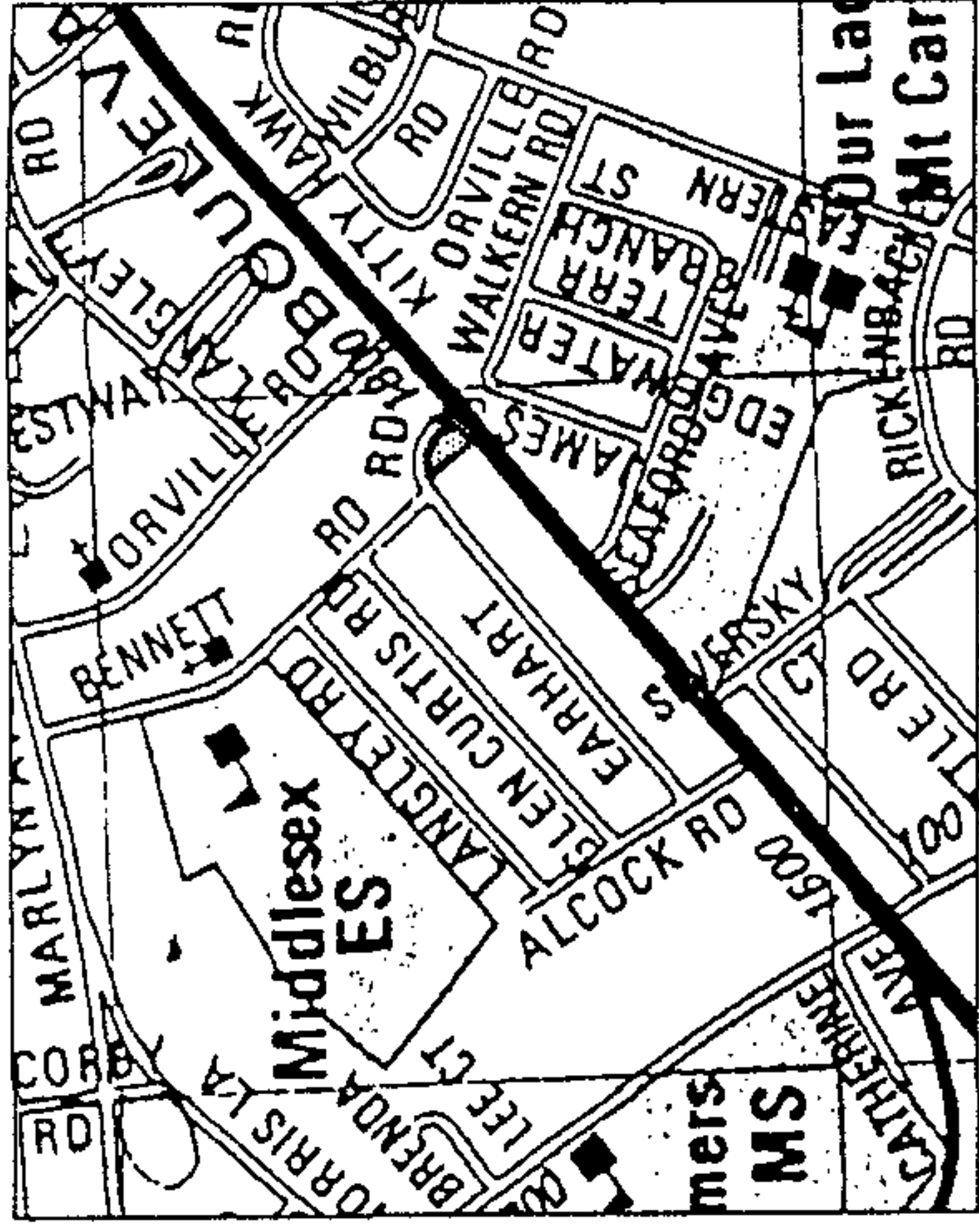
PROPERTY ADDRESS: 102 Bennett Road

Subdivision name: Edgewater Addition
plat book # 13, folio # 33, lot # 80, section # 2

OWNER: Joseph & Margaret Oswinkle

DEED REF.: 5772/20

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



Vicinity Map
North
scale: 1" = 1000'

LOCATION INFORMATION

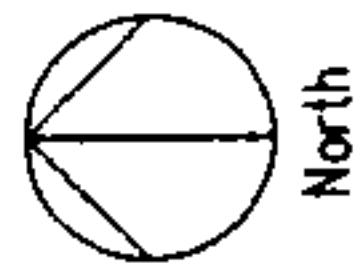
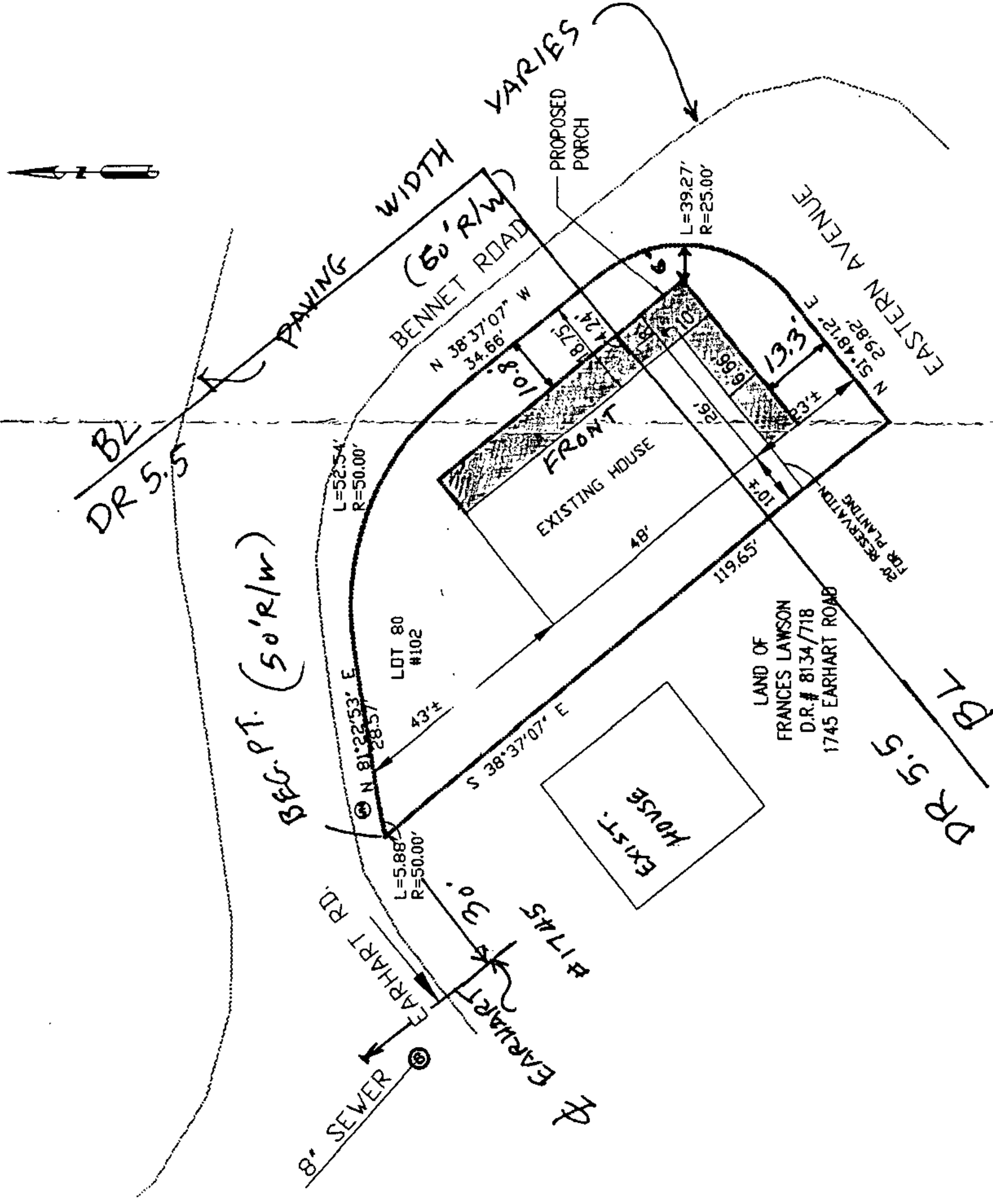
Councilmanic District: 6
Election District: 15
1" = 200' scale map #: 090B3
Zoning: DR 5.5 & BL
Lot size: 0.13 acreage 5469 square feet

Sewer	Public ☒	Private ☐
Water	☒	☐
Cheapeake Bay Critical Area:	yes ☒	no ☐
100 Year Floodplain	☒	☐
Historic Property/ Building	☐	☒

Prior Zoning Hearings: N/A

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____
D.T.: _____ 146 _____ 07-146-A



date: 9/28/06
prepared by: J.E.C. & R.M.K.
Scale of Drawing: 1"=30'

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Exception

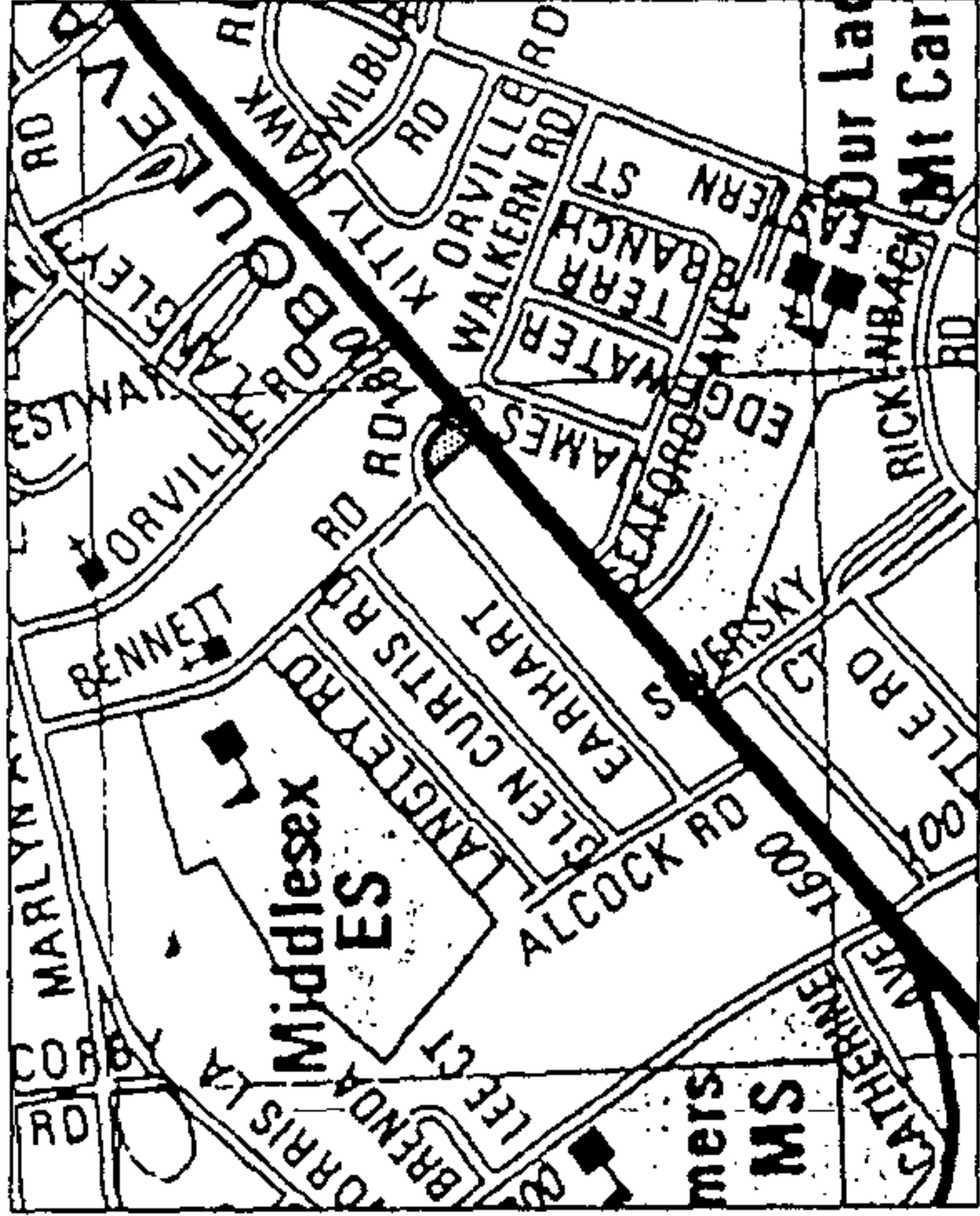
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Subdivision name: Edgewater Addition
plat book # 13, folio # 33, lot # 80, section # 2

OWNER: Joseph & Margaret Oswinkle

DEED REF.: 5772/20

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



Vicinity Map
North
scale: 1" = 1000'

LOCATION INFORMATION

Councilmanic District: 6

Election District: 15

1" = 200' scale map#: 090B3

Zoning: DR 5.5 & B1

Lot size: 0.13 acreage 5469 square feet

Sewer ☒ Public ☒ Private ☐

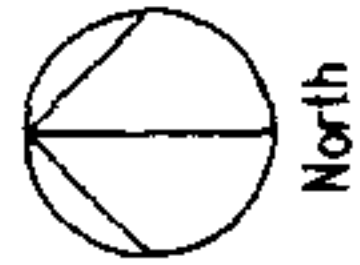
Water ☒ ☐

Cheapeake Bay Critical Area: ☒ ☐

100 Year Floodplain ☒ ☐

Historic Property/
Building ☐ ☒

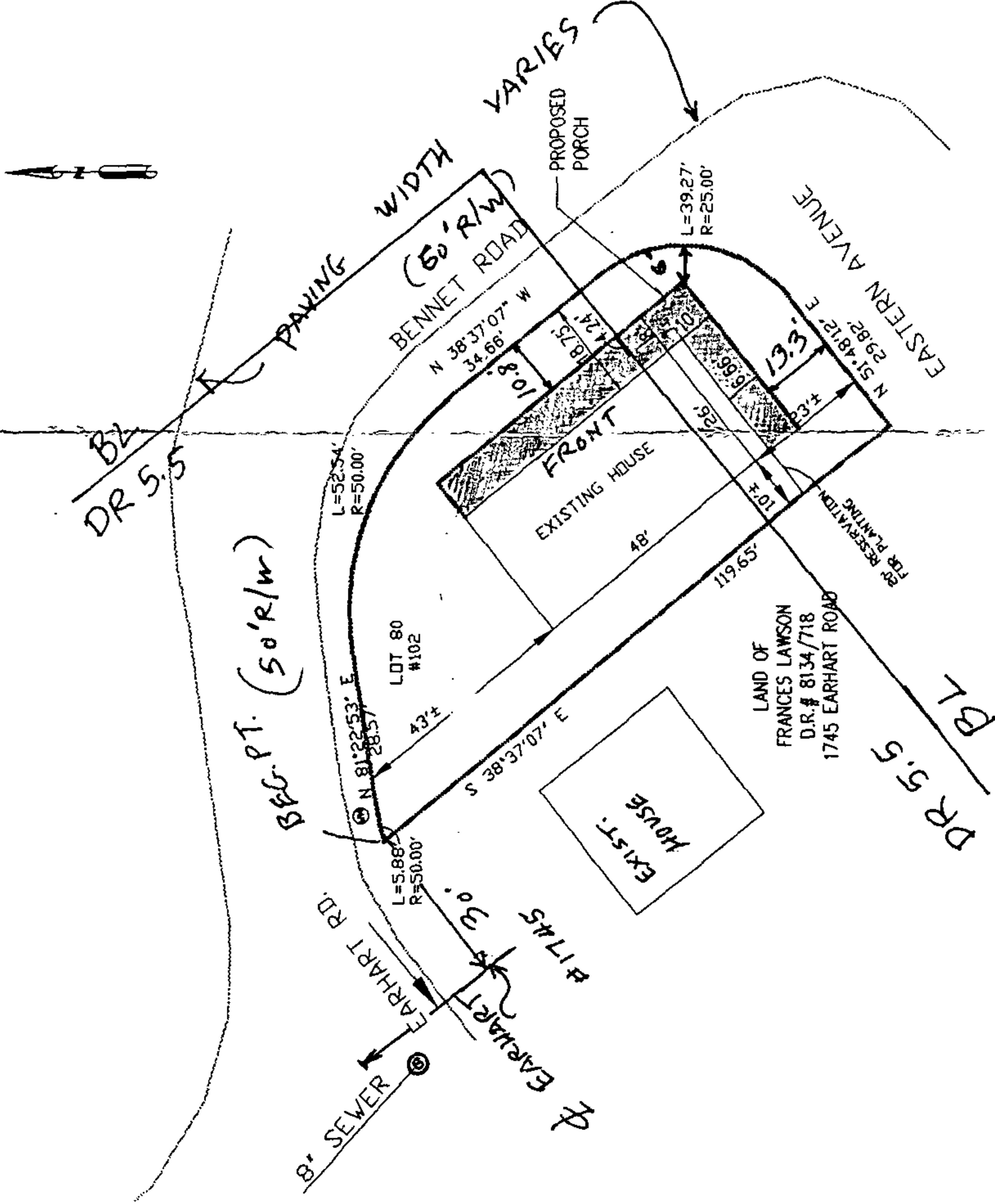
Prior Zoning Hearings: N/A



date: 9/28/06

prepared by: J.E.C. & R.M.K.

Scale of Drawing: 1"=30'



Zoning Office USE ONLY!

reviewed by:

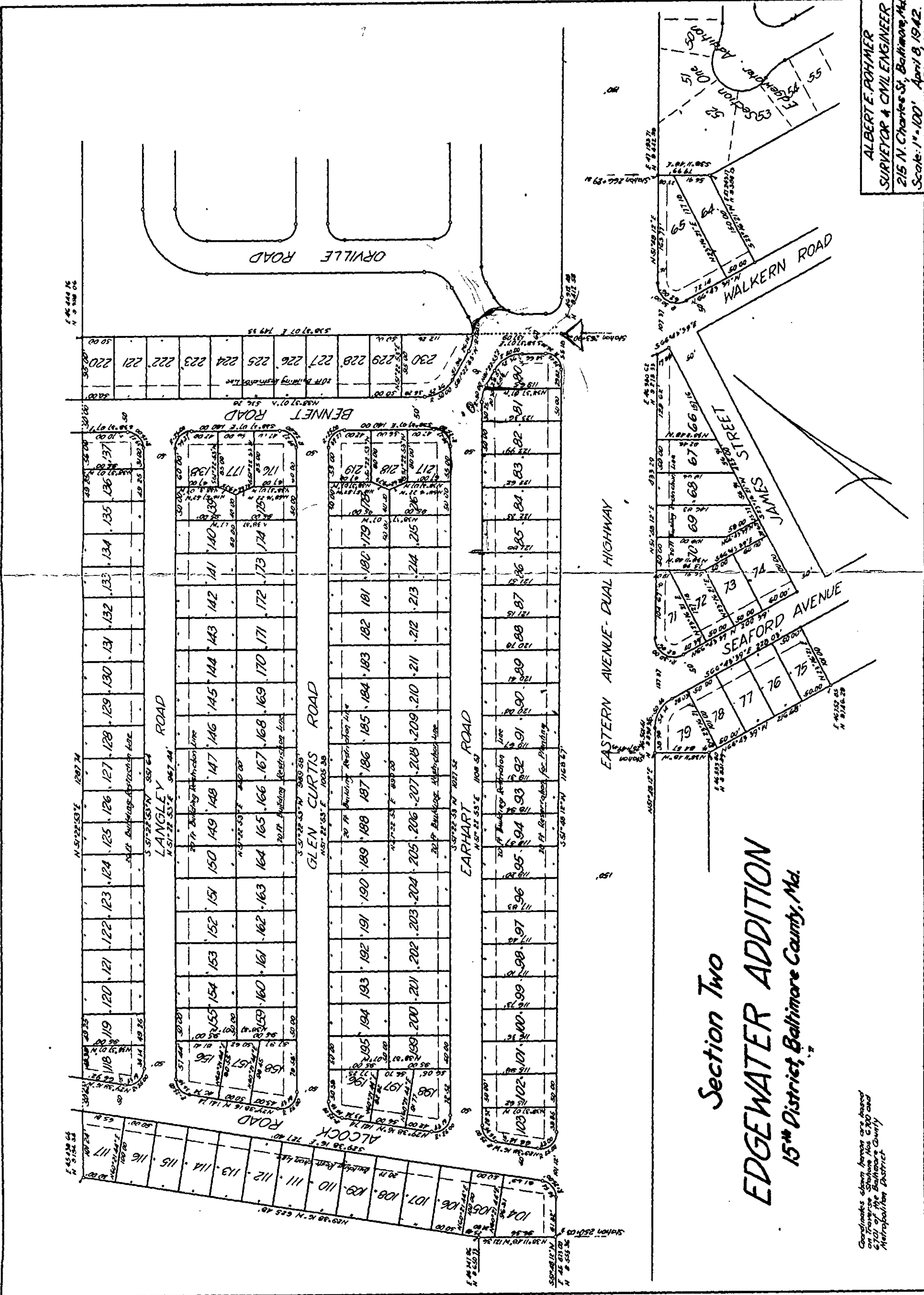
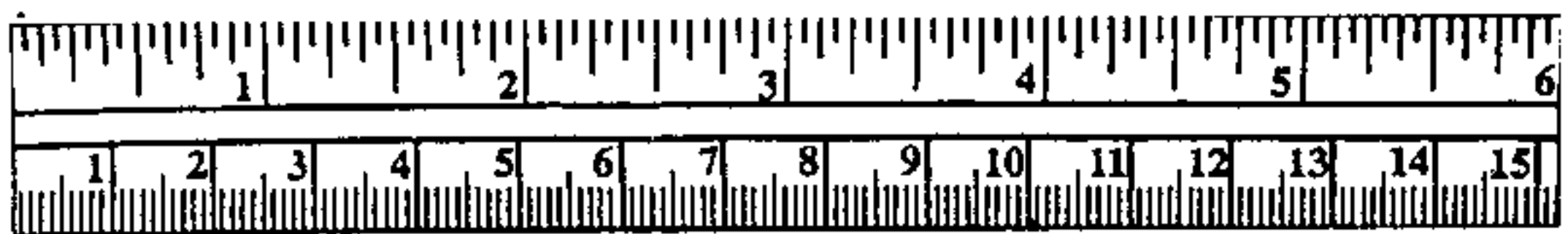
ITEM #:

CASE #:

D.T.

146

07-146-A



Section Two
EDGEWATER ADDITION
15th District, Baltimore County, Md.

Coordinates shown herein are based on the base station No. 6700 and are of the Baltimore County Metropolitan District

ALBERT E. ROHMER
SURVEYOR & CIVIL ENGINEER
215 N. Charles St., Baltimore, Md.
Scale: 1" = 100' April 8, 1942.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 18, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For October 16, 2006
Item Nos. 07-145, 146, 147, 148, 149,
150, 151, 152, 153, 154, 155 and 156

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-10132006.doc