

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Schroeder Avenue; 2,640
feet W of Belair Road
11th Election District
5th Council District
(3901 Schroeder Avenue)

Joseph C. and Diana S. Fernkas
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0275-A

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, Joseph C. and Diana S. Fernkas. The Petitioners are requesting Variance relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the side yard with a height of 20 feet in lieu of the required rear yard and the permitted 15 feet height. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability dated May 22, 2012, which state:

"Groundwater Management will need to review any future building permits for this site, since the house is served by a septic system."

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 12, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 6.8.12

By [Signature]

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 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 Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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, this 8th day of June, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the side yard with a height of 20 feet in lieu of the required rear yard and the permitted 15 feet height, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

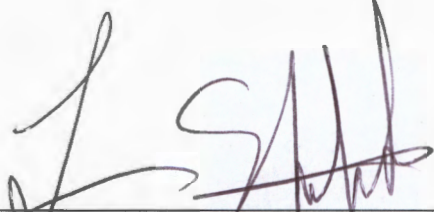
ORDER RECEIVED FOR FILING

Date 6-8-12

By [Signature]

1. 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The garage shall not be used for commercial purposes.
4. Groundwater Management will need to review any future building permits for this site since the house is served by a septic system.

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



LAWRENCE M. STAHL
Managing Administrative Law Judge for
Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 6-8-12

By pz



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 8, 2012

JOSEPH C. AND DIANA S. FERNKAS
3901 SCHROEDER AVENUE
PERRY HALL MD 21128

RE: Petition For Administrative Variance
Case No. 2012-0275-A
Property: 3901 Schroeder Avenue

Dear Mr. and Mrs. Fernakas:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the word "Sincerely,".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

Enclosure



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 3901 SCHROEDER AVE which is presently zoned DRR

Deed Reference 5899 637

10 Digit Tax Account # 1106010841

Property Owner(s) Printed Name(s) JOSEPH F DIANA FERUKAS

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

- ☒ **ADMINISTRATIVE VARIANCE** from section(s) 400.1 & 3; BCZR, To PERMIT A GARAGE TO BE LOCATED IN THE SIDEYARD WITH A HEIGHT OF 20ft. IN LIEU OF THE REQUIRED REAR YARD & THE PERMITTED 15ft. Height.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

- ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4-416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Date

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners:

JOSEPH F FERUKAS & DIANA S FERUKAS

Name #1 - Type or Print

Name #2 - Type or Print

[Signature]

[Signature]

3901 SCHROEDER AVE PERRYHALL MD

[Signature]

21128

1410 256 0576

JCFERUKAS@MSN.COM

(410) 443-463-8344

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

ORDER RECEIVED FOR FILING

SPMB

A PUBLIC HEARING having formally demanded and/or found to be required, It is ordered by the Office of Administrative Law, of Baltimore County, this 0275 day of May, 2012 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.

Administrative Law Judge of Baltimore County

CASE NUMBER 2012-0275-A Filing Date 5/2/12 Estimated Posting Date 5/13/12 Reviewer JCM

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 3901 SUNDLEDER AVE PERRY HALL MD 21128
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

LOCATING THE STRUCTURE BEHIND THE REAR LINE OF THE HOUSE
CREATES THE FOLLOWING PRACTICAL DIFFICULTIES:
1) THE GRADE SLOPPS DOWN HILL TO REAR OF PROPERTY AT THE
POND.
2) THE LOCATION OF SEPTIC TANK
3) WOULD REQUIRE THE REMOVAL OF A 60' T PINE TREE
OUR PROPERTY IS UNIQUE GIVEN THE LOCATION OF THE PRIMARY STRUCTURE
TO ONE SIDE OF THE PROPERTY AND THAT OUR SIDE YARDS ADJOIN
THE REAR YARDS OF NEIGHBORING PROPERTIES.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Joseph C. Fernkas
Signature of Affiant

JOSEPH C. FERNKAS
Name- Print or Type

Diana S. Fernkas
Signature of Affiant

DIANA S. FERNKAS
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of May, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Joseph C. Fernkas and Diana S. Fernkas
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

2/8/2015
My Commission Expires

ZONING PETITION PROPERTY DESCRIPTION

3901 SCHROEDER AVE.

Beginning at a point center of Schroeder Ave., which is a 50 foot right-of-way, at the distance of 2640 feet west of the centerline of Belair Road, which is 62 feet wide. Thence the following courses and distances: north 41 degrees west 161 feet 2 inches, north 23 degrees 40 minutes west 45 feet 4 inches, south 59 degrees 29 minutes west 227 feet 3-1/2 inches, south 41 degrees east 205 feet, north 60 degrees east 213 feet 11 inches back to the place of beginning as recorded in Deed Liber #58991, Folio #637, containing one acre. Located in the 11th Election District and 5th Council District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **83442**

Date: _____

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
000	806	0000		6150				\$ 75.00

Total: \$ 75.00

Rec
From:

FERNKAS, JOSEPH

For:

ADMINISTRATIVE VARIANCE 2012-275-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS MONTH YEAR DAY

5/12/2012 5/12/2012 05/12/12 2

806 8002 WILFRIED JEWELL

RECEIPT # 778233 5/12/2012 DELM

apt 5 520 JONHON VERIFICATION

Q NO. 073442

Receipt for \$75.00

\$75.00 11 1.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2012-0275-A

Petitioner: JOSEPH F DIANA FERNEAS

Address or Location: 3901 SCHROEDER AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOSEPH FERNEAS

Address: 3901 SCHROEDER AVE

PERRY HALL, MD

21128

Telephone Number: (443) 463-8344

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0275 -A Address 3901 SCHROEDER Ave.

Contact Person: J. Merrey Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/2/12 Posting Date: 5/13 Closing Date: 5/28

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

- 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.
- 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.
- 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, usually within 10 days of the closing date if all County agencies' comments are received, 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.
- 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 2012- 0275 -A Address 3901 Schoeder Ave

Petitioner's Name _____ Telephone _____

Posting Date: 5/13/12 Closing Date: 5/28/12

Wording for Sign: To Permit A GARAGE TO BE LOCATED IN THE
SIDE YARD ~~is~~ WITH A HEIGHT OF 20ft IN LIEU OF THE
REQUIRED ~~PERMITTED~~ REARYARD & PERMITTED 15ft. HEIGHT

Revised 7/06/11

Letter of Transmittal

William D. Gulick, Jr.

Consultant to Land Development and Industry

Commercial and Residential

2944 Edgewood Avenue

Baltimore, MD 21234

Phone - 410-530-6293

E-mail - wdgjr@comcast.net

To: Balto. County Zoning Office, Attn.: Ms. Kristen Lewis

We Are Sending You: ☒ Attached ☐ Under separate cover the following items:

☐ Copy of Letter ☒ Prints ☒ Documents ☐ Other

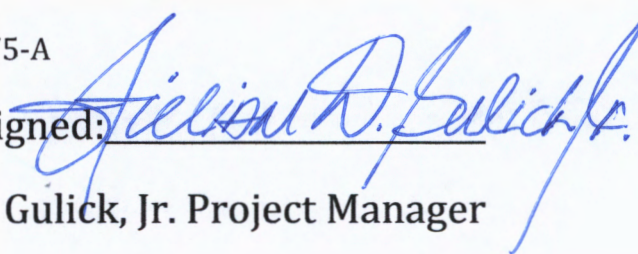
No. of Copies Date Description

1	May 12, 2012	Certificate of Posting
2	May 12, 2012	Site photos

Transmittals are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review & content

Remarks: 3901 Schroeder Avenue - Case No.: 2012-0275-A

Signed: 

William D. Gulick, Jr. Project Manager

cc. Joseph Fernkas

Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: May 12, 2012

Attention: Zoning Office, Attn. Ms. Kristen Lewis

Re: Case Number: 2012 – 0275 - A

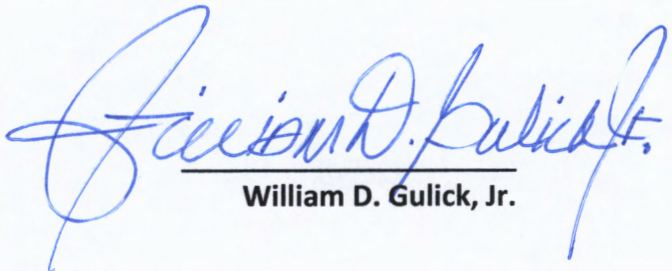
Petitioner/Developer: Joseph Fernkas

Date of Hearing/Closing: May 28, 2012

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 3901 Schroeder Avenue

The sign(s) were posted on:

May 12, 2012



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2012-0275-A
TO PERMIT A GARAGE TO BE
LOCATED IN THE SIDE YARD WITH
A HEIGHT OF 20 FT. IN LIEU OF THE
REQUIRED REAR YARD AND
PERMITTED 15 FT. HEIGHT.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON MAY 28, 2012.

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391
DO NOT REMOVE THIS SIGN AND POST WITHIN AFTER ABOVE DATE, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

SCHROEDER AVE.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: May 14, 2012

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For May 21, 2012
Item Nos. 2012-0270, 0271, 0273, 0274, 0275, 0276
And 0277.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05212012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
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DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05212012-NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

May 31, 2012

Mr. & Mrs. Joseph Fernkas
3901 Schroeder Avenue
Perry Hall, MD 21128

RE: Case Number: 2012-0275-A, Address: 3901 Schroeder Avenue

Dear Mr. & Mrs. Fernkas:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 2, 2012. This letter is not an approval, but only a **NOTIFICATION**.

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." The signature is stylized with a large, flowing "W" and a prominent "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Maryland Department of Transportation

Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 5-7-12

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

RE: Baltimore County
Item No 2012-0275-A -
Administrative Variance
Joseph & Diana Fernkas
3901 Schroeder Avenue

Dear Ms. Lewis:

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. 2012-0275-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 5-7-12

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
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Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

May 31, 2012

Mr. & Mrs. Joseph Fernkas
3901 Schroeder Avenue
Perry Hall, MD 21128

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If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5-14</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>nc</u>
<u>5-28</u>	DEPS (if not received, date e-mail sent _____)	<u>Comment</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>5-7</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2012-0168-A</u>)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>5-18</u>	by <u>Mulick</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Patricia Zook - Case 2012-0275-A - AV that closed 5-28

From: Patricia Zook
To: Fisher, June; Lewis, Kristen
Date: 6/4/2012 10:09 AM
Subject: Case 2012-0275-A - AV that closed 5-28
CC: Wiley, Debra

Good morning -

The case file is missing the site plans.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

*Site plans
received
6-6-12*



CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

2012-0275-A

Account Identifier:

District - 11 Account Number - 1106010841

Owner Information

Owner Name:	FERNKAS JOSEPH C FERNKAS DIANA S	Use:	RESIDENTIAL
Mailing Address:	3901 SCHROEDER AVE PERRY HALL MD 21128-9718	Principal Residence:	YES
		Deed Reference:	1) /05899/ 00637 2)

Location & Structure Information

Premises Address	Legal Description
3901 SCHROEDER AVE 0-0000	1 AC SS SCHROEDER AV 2640 W OF BELAIR RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0063	0015	0051		0000				3	
									Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1932	2,136 SF	1.0000 AC	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	100,000	100,000		
Improvements:	135,800	111,400		
Total:	235,800	211,400	235,800	211,400
Preferential Land:	0			0

Transfer Information

Seller:	FERNKAS JOSEPH R	Date:	06/21/1978	Price:	\$14,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/05899/ 00637	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status:	Approved 02/10/2009
--------------------------------------	---------------------

IN RE: PETITION FOR ADMIN. VARIANCE

SW side of Schroeder Avenue; 2,640
feet W side of the c/l of Belair Road
11th Election District
5th Councilmanic District
(3901 Schroeder Avenue)

Joseph C. and Diana S. Fernkas
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0168-A**

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Joseph C. and Diana S. Fernkas. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) with a height of 20 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability dated which state: "A future (proposed) building permit for a garage will require review by Groundwater Mgmt."

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 29, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 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

previous order

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: May 22, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0275-A
Address 3901 Schroeder Avenue
(Fernkas Property)

Zoning Advisory Committee Meeting of May 7, 2012.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Groundwater Management will need to review any future building permits for this site, since the house is served by a septic system.

Reviewer: *Dan Esser; Groundwater Management*

RECEIVED

MAY 23 2012

OFFICE OF ADMINISTRATIVE HEARINGS

MEMORANDUM

DATE: July 10, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0275-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 9, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

Case No.: 2012-0275-A

Exhibit Sheet

1927/10/12
6/13/12
J

Petitioner/Developer

Protestant

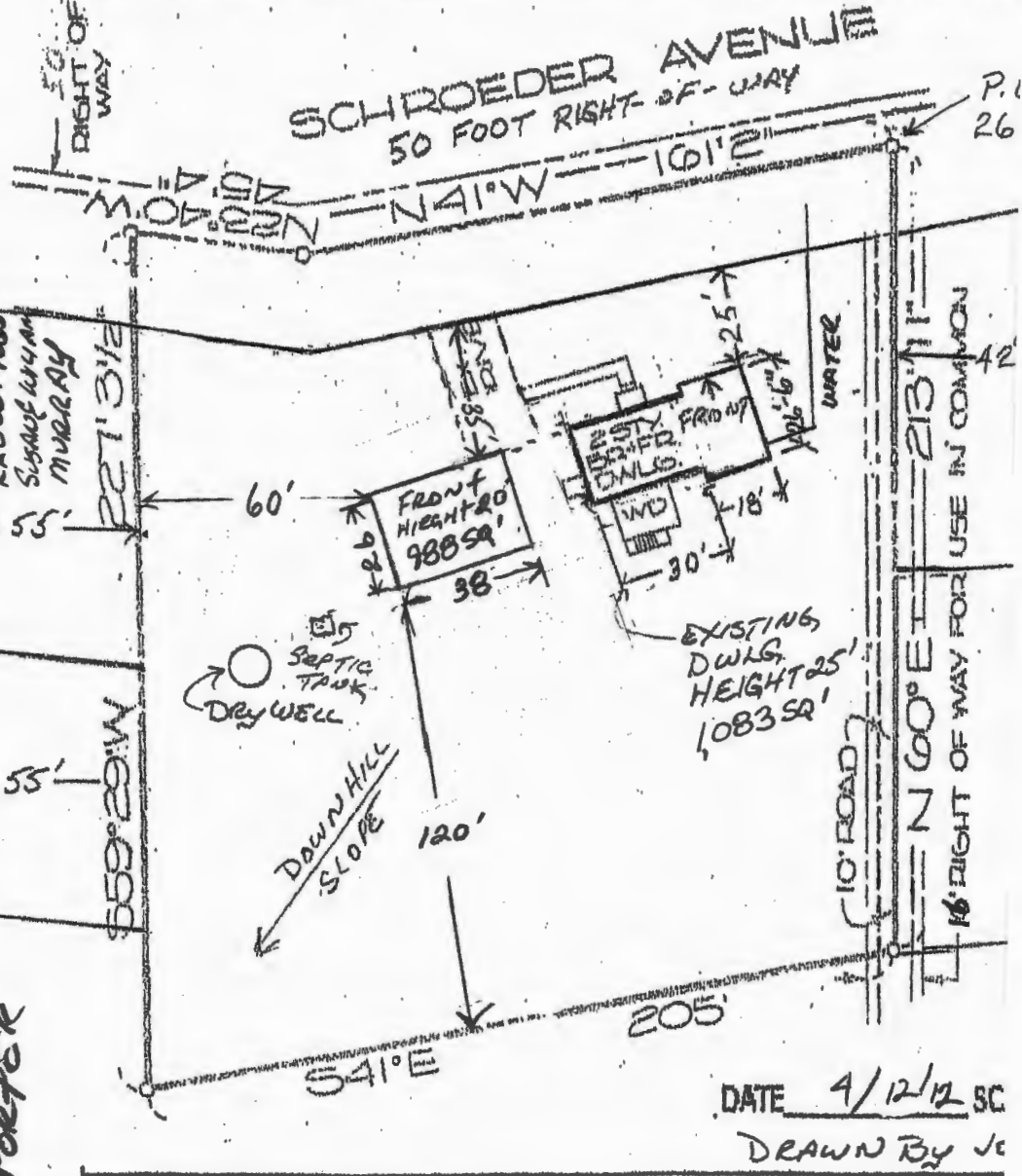
No. 1	site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING

ADDRESS 3901 SCHROEDER AVE OWNER(S) NAME(S) _____

SUBDIVISION NAME 0000 LOT # _____

PLAT BOOK # 561 FOLIO # 210 10 DIGIT TAX # 11060108



RECEIVED

JUN 06 2012

OFFICE OF ADMINISTRATIVE HEARINGS

DATE 4/12/12 SC
DRAWN BY Jo

GUNVIEW FARM CT.

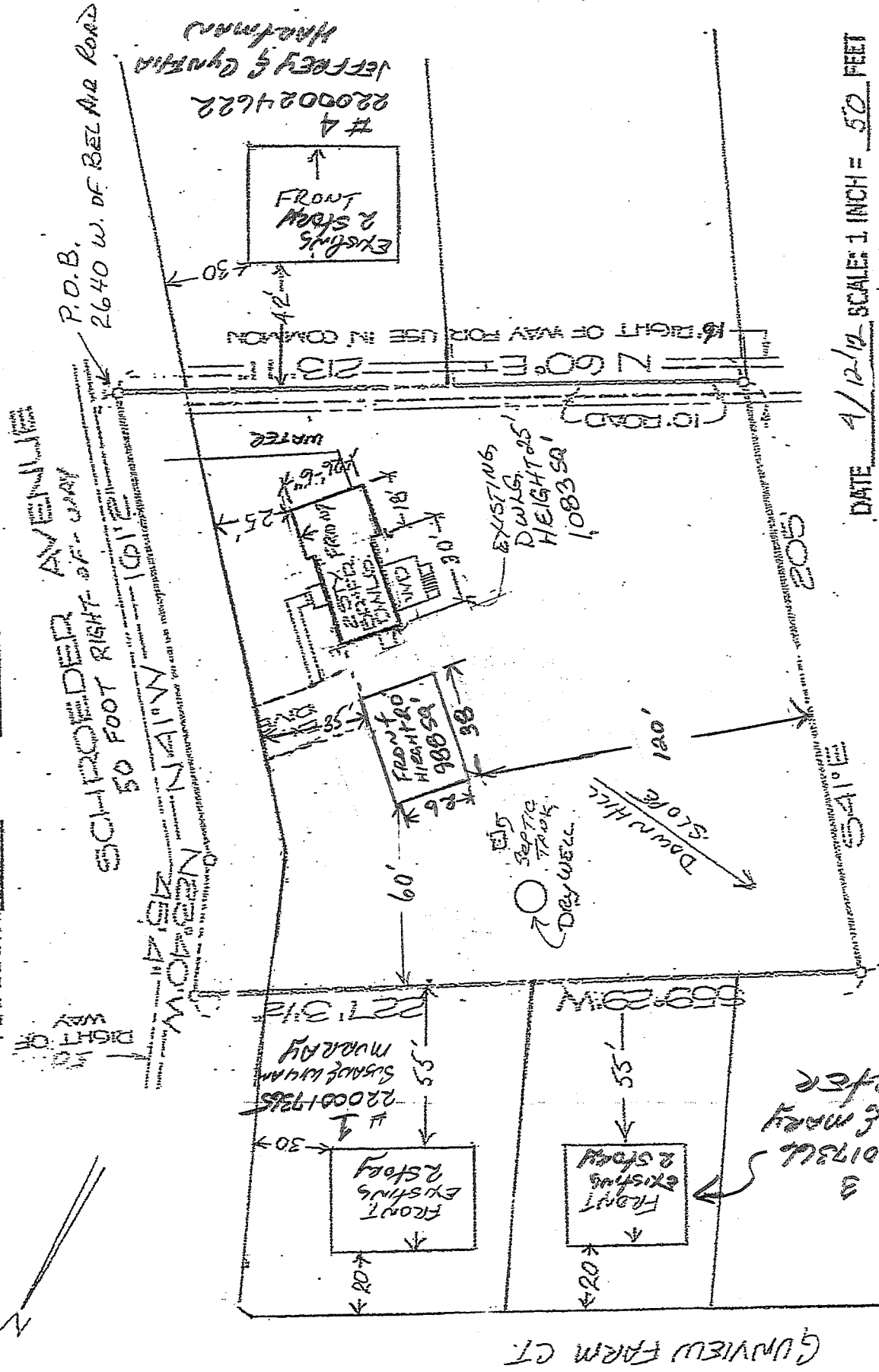
3
2200017366
LOAN & MARY
POETER

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 3901 SCHROEDER AVE OWNER(S) NAME(S) JOSEPH L. & DIANA S. FERNANDES

SUBDIVISION NAME 0000 LOT # BLOCK # SECTION #

PLAT BOOK # 561 FOLIO # 210 10 DIGIT TAX # 112601084 DEED REF. # 58991637



DATE 4/12/12 SCALE: 1 INCH = 50 FEET

DRAWN BY JOSEPH FERNANDES

SITE VICINITY MAP

CALENBOURNE ROAD

FLINTLOCK CT

GUNVIEW CT

BELAIR RD

MAP IS NOT TO SCALE

ZONING MAP# 0063

SITE ZONED D22

ELECTION DISTRICT 11

COUNCIL DISTRICT 5

LOT AREA ACREAGE 1

OR SQUARE FEET

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE

SEWER IS:

PUBLIC PRIVATE X

PRIOR HEARING? MAILED YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

GRANTED -

2012-0168

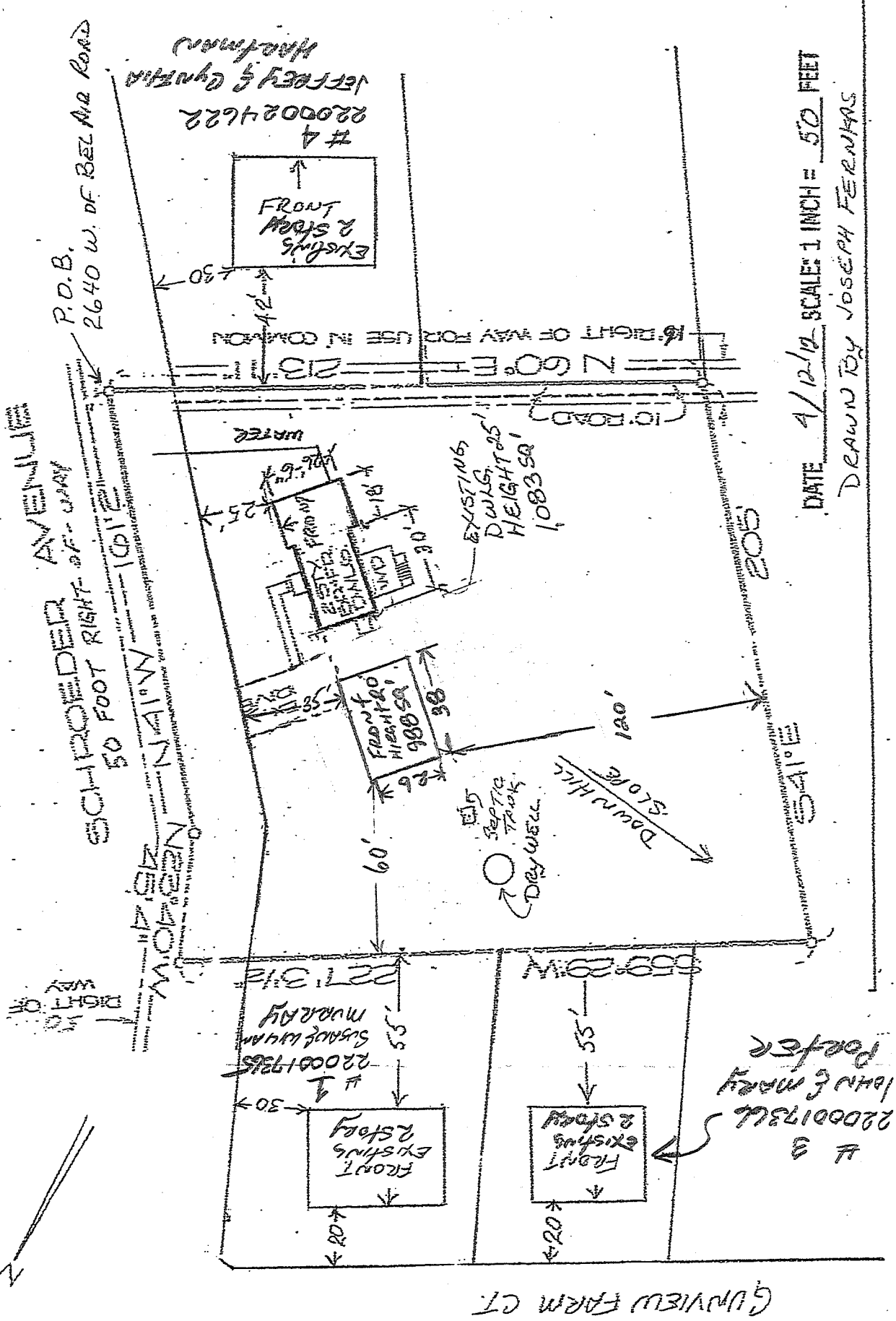
VIOLATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 3901 SCHROEDER AVE OWNER(S) NAME(S) JOSEPH C. & DIANA S. FERNANDES

SUBDIVISION NAME 0000 LOT # BLOCK # SECTION #

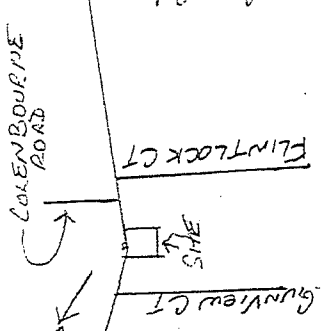
PLAT BOOK # 561 FOLIO # 210 10 DIGIT TAX # 110601084 DEED REF. # 5899-1-637



DATE 4/12/12 SCALE: 1 INCH = 50 FEET

DRAWN BY JOSEPH FERNANDES

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 0063

SITE ZONED DR2

ELECTION DISTRICT 11

COUNCIL DISTRICT 5

LOT AREA ACREAGE 1

OR SQUARE FEET

HISTORIC? NO

IN CECA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE

SEWER IS:

PUBLIC PRIVATE X

PRIOR HEARING? MAILED YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

GRANTED

2012-0168

VIOLATION CASE INFO: