

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Denton Avenue, 1,075' SE of the c/l
North Point Road
(7839 Denton Avenue)
15th Election District
7th Council District

Samuel C. Haffer
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-105-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 owner of the subject property, Samuel Christopher Haffer. The Petitioner seeks relief from Sections 1B02.3.C.1 and 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet, to permit a side yard setback of 5 feet in lieu of the required 10 feet, and a front yard setback of 25 feet in lieu of the required average of 37', and to permit construction of a replacement dwelling on a lot that does not abut a 30' right-of-way. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to 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 Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

ORDER RECEIVED FOR FILING

Date

By

9/26/03

[Signature]

The information contained therein indicates that the subject lot is located in an older community that was platted and recorded in the 1920s, well prior to the adoption of zoning regulations in Baltimore County. Thus, the property lacks sufficient width to maintain current setback requirements. Moreover, Denton Avenue is a narrow road, with a 24-foot wide paved roadway. In addition, the property is a waterfront lot, located adjacent to Shallow Creek in Fort Howard. Thus, development of the lot must conform to Chesapeake Bay Critical Areas requirements and any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) to mitigate any impacts. Due to these site constraints, the requested relief is necessary in order to redevelop the lot as proposed.

The proposed construction will replace an existing dwelling and will maintain the required front setback of 25 feet. However, due to the narrow width of the lot, side setbacks of only 15 feet to the north and 5 feet to the south will be provided. It was indicated that placement of the new house where proposed would result in the least amount of intrusion into the required Buffer Management Area required by the Chesapeake Bay Critical Areas regulations. Moreover, it will allow continued use of an existing driveway on the north side of the property, which provides access to the water by the Petitioner and his neighbors to the south (Richard and Leona Toland), who currently do not have such access. In this regard, a signed statement of support for the proposal was received from Mr. & Mrs. Toland who will be the most impacted by the request.

Based upon all of the evidence contained within the case file, I find that the relief requested meets the spirit and intent of Section 307.1 of the B.C.Z.R. and will not result in any detriment to the health, safety and general welfare of the surrounding locale. Given the age of the subdivision, the long ago established right-of-way for Denton Avenue and the environmental regulations now applicable to this site, it is clear that relief is warranted. There were no adverse comments submitted by any County reviewing agency and strict compliance would result in a practical difficulty for the Petitioner. For all of these reasons, I am persuaded to grant the variance. However, as noted above, the proposed development is subject to compliance with Chesapeake Bay Critical Areas requirements and any recommendations made by the Department of

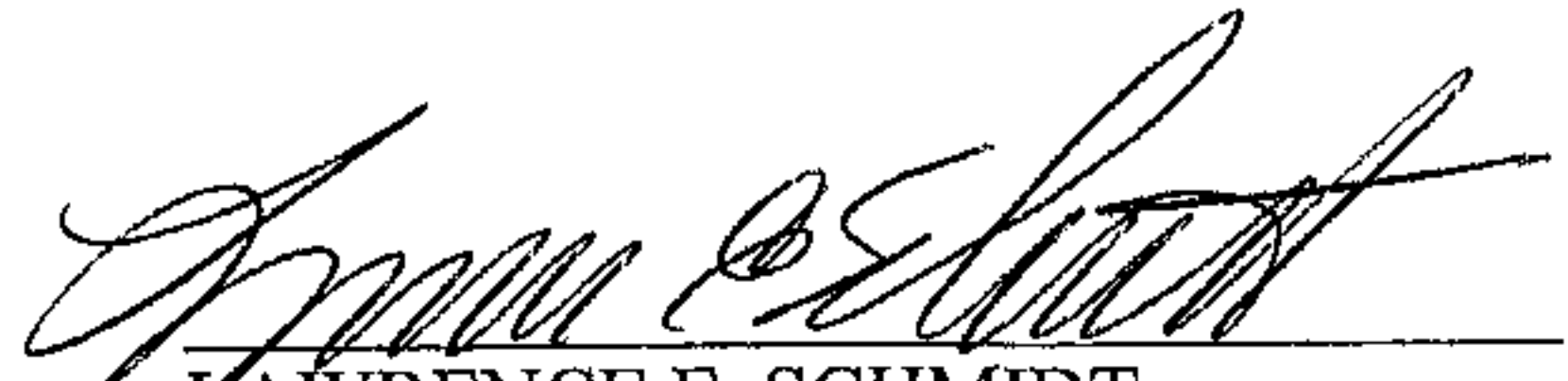
ORDER RECOMMENDED FOR
DATE 9/26/13
BY [Signature]

Environmental Protection and Resource Management (DEPRM) to mitigate the impacts the proposed improvements may have on the Bay and its tributaries.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of September 2003 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.C.1 and 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 feet in lieu of the required 10 feet, and a front yard setback of 25 feet in lieu of the required average of 37', and to permit construction of a replacement dwelling on a lot that does not abut a 30' right-of-way, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Development of the subject lot shall be in compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) relative to Chesapeake Bay Critical Areas regulations and any other applicable environmental regulations.
- 3) Compliance with any standards/regulations relative to construction in the flood plain, which may be implemented by the Bureau of Development Plans Review and the Department of Permits and Development Management.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/26/03
By [Signature]

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

September 24, 2003

Mr. Samuel C. Haffer
7839 Denton Avenue
Baltimore, Maryland 21219

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Denton Avenue, 1,075' SE of the c/l North Point Road
(7839 Denton Avenue)
15th Election District – 7th Council District
Samuel C. Haffer - Petitioner
Case No. 04-105-A

Dear Mr. Haffer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, 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 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; People's Counsel; Case File





Flood CBCA

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7839 DENTON AVE., BALTO., MD 21219
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 AND 102.4 BCZR

TO PERMIT A 5' SIDE YARD SETBACK IN LIEU OF THE 10' REQ'D AND A FRONT YARD SETBACK OF 25' IN LIEU OF THE AVERAGE OF 37' AND TO PERMIT CONSTRUCTION OF A DWELLING ON A LOT THAT DOES NOT ABUT A 30' RIGHT OF WAY.
REPLACEMENT

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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

Name - Type or Print

Signature

City

State

Zip Code

7839 DENTON AVE.

410-477-3947

Address

Telephone No.

BALTO.

MD

21219

City

State

Zip Code

Attorney For Petitioner:

Representative to be Contacted:

Name - Type or Print

Signature

Company

Name

Address

Telephone No.

Address

Telephone No.

City

State

Zip Code

FALLSTON

MD

21047

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, 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 JL

Date

8/28/03

Estimated Posting Date

9/07/03

ORDER RECEIVED FOR FILING

CASE NO. 04 105 A

REV 10/25/01

Date By

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 7839 DENTON AVE.
Address
BALTIMORE MD 21219
City State Zip Code

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

The Subject Property is (50) feet wide, (5) feet narrower in width than the current minimum width allowed in DR-5.5 zoned property, ~~for which an "Undersized Lot" variance is being requested under separate cover.~~ This narrower width, although sufficient for the summer homes constructed at the time that the property was subdivided, is not practical for the proposed conversion to an expanded permanent residence, typical throughout this neighborhood, when the (10) foot side yard setbacks are applied.

Strict compliance with the (10) foot side yard setback would create a practical difficulty for the intended use of the property. Since this is a waterfront lot, it is essential that vehicular access to the water be maintained. The current owner, as well as the neighbor to the left, both use the existing driveway to launch and retrieve watercraft. In order to continue to efficiently use the property and to maintain access to the water, with the reconstructed house and preserving the vegetated buffer between the properties, it would be necessary to orient the house further to one side than the other.

Maintaining a (30) foot wide building, and reducing the south side side-yard to (5) feet, would leave (15) feet on the north side for access to the water and would be more complimentary to the Architecture of the proposed dwelling.

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.

Samuel Christopher Haffer
Signature
SAMUEL CHRISTOPHER HAFFER
Name - Type or Print

Signature

Name - Type or Print

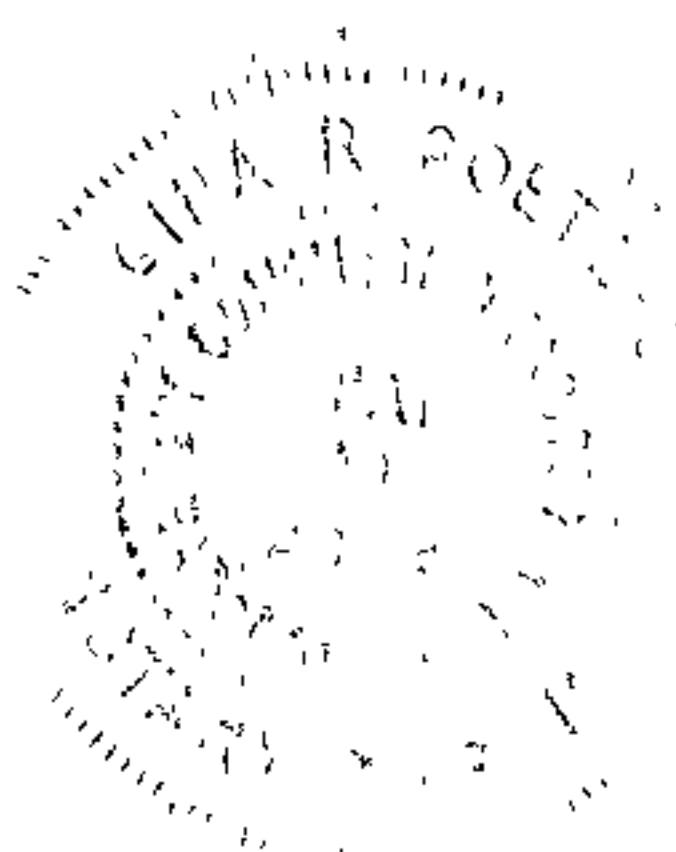
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of August, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Samuel Christopher Haffer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires 5/1/06



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 7839 DENTON AVE.
Address
BALTIMORE MD 21219
City State Zip Code

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Maintaining a (30) foot wide building, and reducing the south side side-yard to (5) feet, would leave (15) feet on the north side for access to the water and would be more complimentary to the Architecture of the proposed dwelling.

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.

Samuel Christopher Haffer
Signature
SAMUEL CHRISTOPHER HAFER
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of August, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Samuel Christopher Haffer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Shirley Maethe
Notary Public
My Commission Expires 05/1/04



Flood CBCA
Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 7839 DENTON AVE., BALTO., MD 21219
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1302.3.C, 1 AND 102.4 ~~BCZR~~ AND 303.1 BCZR TO PERMIT A SIDEYARD SETBACK OF 5 FT. IN LIEU OF 10 FT. AND A FRONT SETBACK OF 25 FT. IN LIEU OF THE AVERAGE OF 37 FT. AND TO PERMIT CONSTRUCTION OF A DWELLING ON A LOT THAT DOES NOT HAVE ABOUT A 30 FT. RIGHT-OF-WAY,

REPLACEMENT

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

SAMUEL CHRISTOPHER HAFER

Name - Type or Print

Signature

Name - Type or Print

Signature

7839 DENTON AVE. 410-477-3947

Address

Telephone No.

BALTO.

MD

21219

City

State

Zip Code

Representative to be Contacted:

JEFFREY J. DEEGAN

Name

2309 BELAIR RD. 410-893-3700

Address

Telephone No.

FALLSTON

MD

21047

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. 04 105 A

Reviewed By JL Date 8/28/03

REV 10/25/01

Estimated Posting Date 9/07/03

**ZONING DESCRIPTION OF PROPERTY
FOR
7839 DENTON AVENUE, BALTIMORE, MD 21219**

~~North~~ ^{SOUTH} ^{SD}

Beginning at a point on the ~~North~~ side of Denton Avenue which is a 24 foot wide Right of Way, at the distance of 1075 feet Southeast of the centerline of the nearest improved intersecting street; North Point Road, the following courses and distances:

South 30° 07' East 50 feet
South 54° 30' West 165.78 feet to a wooden bulkhead on Shallow Creek
Along the bulkhead to the division line between Lots 20 & 21
North 54° 30' East 204.97 feet to the place of beginning.

BEING Lot #21 on an untitled plat and recorded in Baltimore County Plat Book W.P.C. No. 7, folio 140, containing 0.21 acres, more or less. Also being known as 7839 Denton Avenue, Baltimore, MD 21219 and located in the 15th Election District and 7th Councilmanic District.

105

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 8/28/03 ACCOUNT 001 006 6150
AMOUNT \$ 65.00

RECEIVED FROM: WDA ASSEC INC.
FOR: RES VAR 7839 DENTON AVE.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME DOW
8/28/2003 8/28/2003 10:10:31 5
REG W305 WALKIN CHAR CLH
RECEIPT # 323619 8/28/2003 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 023818

Recpt Tot \$65.00
.00 OK 15.00 CA
50.00 OT
Baltimore County, Maryland

CASHIER'S VALIDATION

Certificate Of Posting

RE: Case NO.: 04-105-A

Petitioner/Developer: _____

SPRINT

Date of Hearing/Closing: 9/22/03

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

Attention:

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
at 7839 DENTON AVE

This sign(s) were posted on 9 / 7 / 03
(Month, Day, Year)

Sincerely,

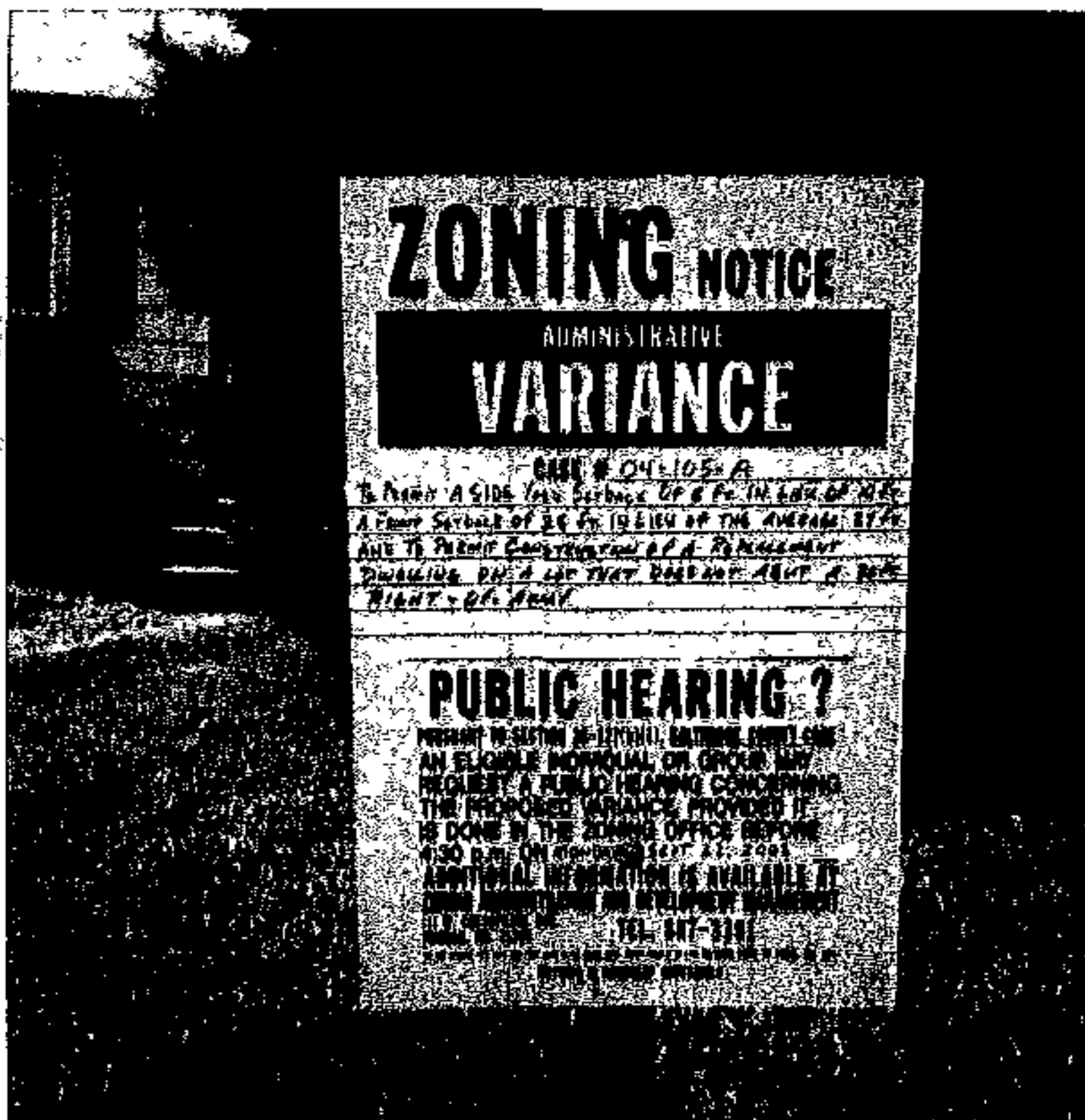
Martin Ogle 9/7/03
(Signature of Sign Poster and Date)

MARTIN OGLE
(Printed Name)

5016 CASTLESTONE DR
(Address)

BALTO, MD. 21237
(City, State, Zip Code)

410-933-9470
(Telephone Number)



Posted 9/7/03
Martin Ogle

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁴~~03~~-105 -A Address 7839 DENTON AVE.
Contact Person: JOHN LEWIS Planner Please Print Your Name Phone Number: 410-887-3391
Filing Date: 8/28/03 Posting Date: 9/07/03 Closing Date: 9/22/03

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

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 (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.

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.

Section A - Sign Poster Only

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ⁰⁴~~03~~-105 -A Address 7839 DENTON AVE.
Petitioner's Name SAMUEL HAFFNER Telephone 410-477-3947
Posting Date: 9/07/03 Closing Date: 9/22/03
Requesting for Sign: To Permit A SIDE YARD SETBACK OF 5 FT. IN LIEU OF 10 FT.
FRONT SETBACK OF 25 FT. IN LIEU OF THE AVERAGE OF 37 FT. AND
TO PERMIT CONSTRUCTION OF A REPLACEMENT DWELLING ON A LOT THAT
DOES NOT ABUT A 30 FT. RIGHT-OF-WAY.

WCR - Revised 5/28/00

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: 04-105-A
Petitioner: HAFFNER
Address or Location: 7839 DENTON AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: W.D.A. & ASSOC., INC.
Address: 2309 BEL AIR RD, SUITE A
FALLSTON, MD 21047
Telephone Number: 410 893 3700



Baltimore County
Department of Permits and
Development Management

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

September 22, 2003

Samuel Christopher Haffer
7839 Denton Avenue
Baltimore, MD 21219

Dear Mr. Haffer:

RE: Case Number: 04-105-A, 7839 Denton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 28, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Jeffrey Deegan, 2309 Belair Road, Fallston 21047



Printed with Soybean Ink
on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info



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

September 11, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 8, 2003

Item No.: 098¹⁰⁵-111

Dear Ms. Hart:

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

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

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

cc: File

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



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on Recycled Paper

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7.10.03

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

RE: Baltimore County
Item No. 105 (JLL)

Dear Ms. Hart:

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

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

Very truly yours,

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RBS 176T*

DATE: September 24, 2003

SUBJECT: Zoning Item 04-105
Address 7839 Denton Ave (Haffer Property)

RECEIVED

OCT - 1 2003

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of September 8, 2003

- ☐ 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 requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- ☒ 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 14-331 through 14-350 of the Baltimore County Code).
 - ☐ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - ☒ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Keith Kelley

Date: September 12, 2003

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

RECEIVED

DATE: September 18, 2003

SEP 22 2003

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 04-105 – Administrative Varaince

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

Prepared by:

Mark A. Cunningham

Section Chief:

Stephen J. [Signature]

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 15, 2003
Item No. 105

DATE: September 26, 2003

RECEIVED

OCT - 1 2003

ZONING COMMISSIONER

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

In accordance with *Bill No. 18-90, Section 26-276*, filling within a flood plain is prohibited.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

ZAC-09-15-2003-ITEM NO 105-09262003

RE: PETITION FOR ADMINSTRATIVE * BEFORE THE
VARIANCE *
7829 Denton Avenue; S/Side Denton Ave, * ZONING COMMISSIONER
1,075' SE North Point Road *
15th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): Samuel Christopher Haffer *
Petitioner(s) * BALTIMORE COUNTY
* 04-105-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/ 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 18th day of September, 2003, a copy of the foregoing Entry of Appearance was mailed to, Jeffrey Deegan, 2309 Belair Road, Fallston, MD 21047, Representative for Petitioner(s).

RECEIVED

SEP 18 2003

Per.....


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

7841 Denton Avenue
Baltimore, Maryland 21219

September 8, 2003

Baltimore County
Department of Permits & Development Management
Zoning Review Office
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Administrative Variance Case Number 04-105A
7839 Denton Avenue

Dear Zoning Commissioner:

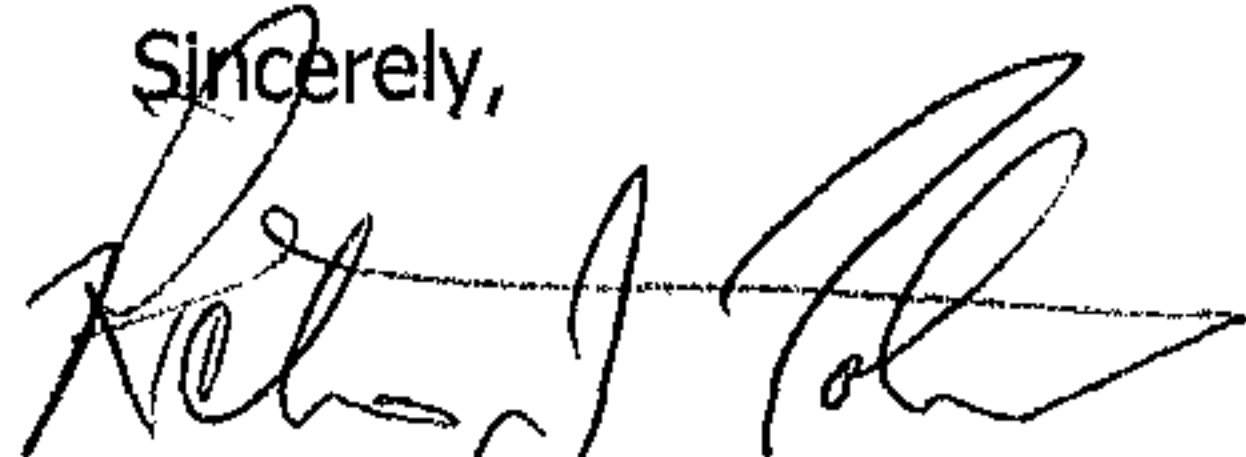
We are the owner-occupants of 7841 Denton Avenue. Our property and home lie immediately next to the subject property on the left side. This is the side on which the petitioner, Mr. Haffer, is seeking the zoning variance for the 5 foot side yard set back in lieu of 10 feet set back requirement.

We would like to take this opportunity to formally express our **full support** for this variance request.

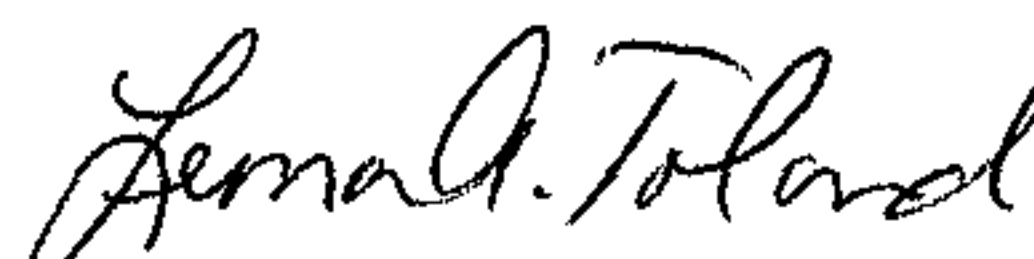
Since these properties are waterfront lots, it is very important that we are able to maintain vehicular access to the water. Our property does not have this type of access and we rely on our adjoining neighbor, Mr. Haffer, for vehicular access to the water. By granting the relief requested you would be allowing us to continue to use the property efficiently by maintaining access to the water.

Thank you for considering our comments. Please contact either of us at 410-477-8672 if you have questions or require further information.

Sincerely,



Richard J. Toland

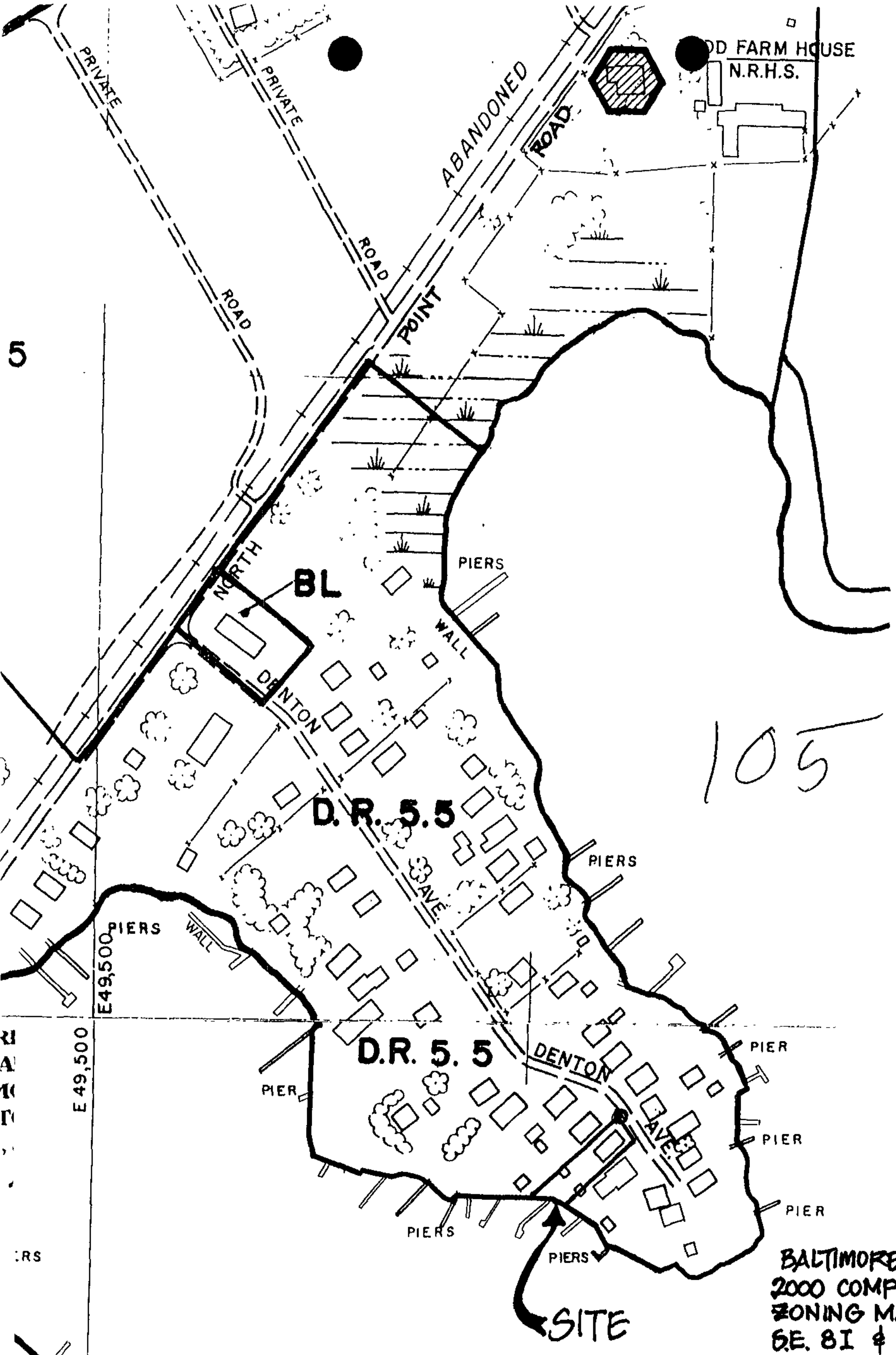


Leona A. Toland

Continuation of "Practical Hardship" explanation for **Zoning Case # 04 105 A** re: 7839 Denton Ave. Balto., MD 21219

The subject property abuts an existing 24 ft. wide Right of Way, which was established with the original subdivision and Plat recordation in the early 1920's. This property lies approximately 200 ft from a Right of Way which meets the current minimum width and could involve as many as (9) properties if a concentric widening were proposed. Since Denton Ave. exists, and front setbacks vary greatly, it is highly unlikely that we would be able to convince enough neighbors to give up frontage for such an improvement. If we could, we would be creating front yard setback issues with most of the existing homes.

The front yard setback in the DR-5.5 Zoning District is 25 ft, which is where the original house was constructed. In order to meet critical area requirements and maintain the least amount of intrusion into the 100 ft Buffer Management Area (BMA), it would be important to be able to keep the reconstructed home as close to Denton Ave. as possible. We are trading "one-for one" the amount of impervious area within the BMA, and every foot we move toward the water, takes away from the building size, and since this lot is already 5 ft. narrower than those currently allowed in the DR-5.5, the desired square footage is being achieved in the depth of the home.

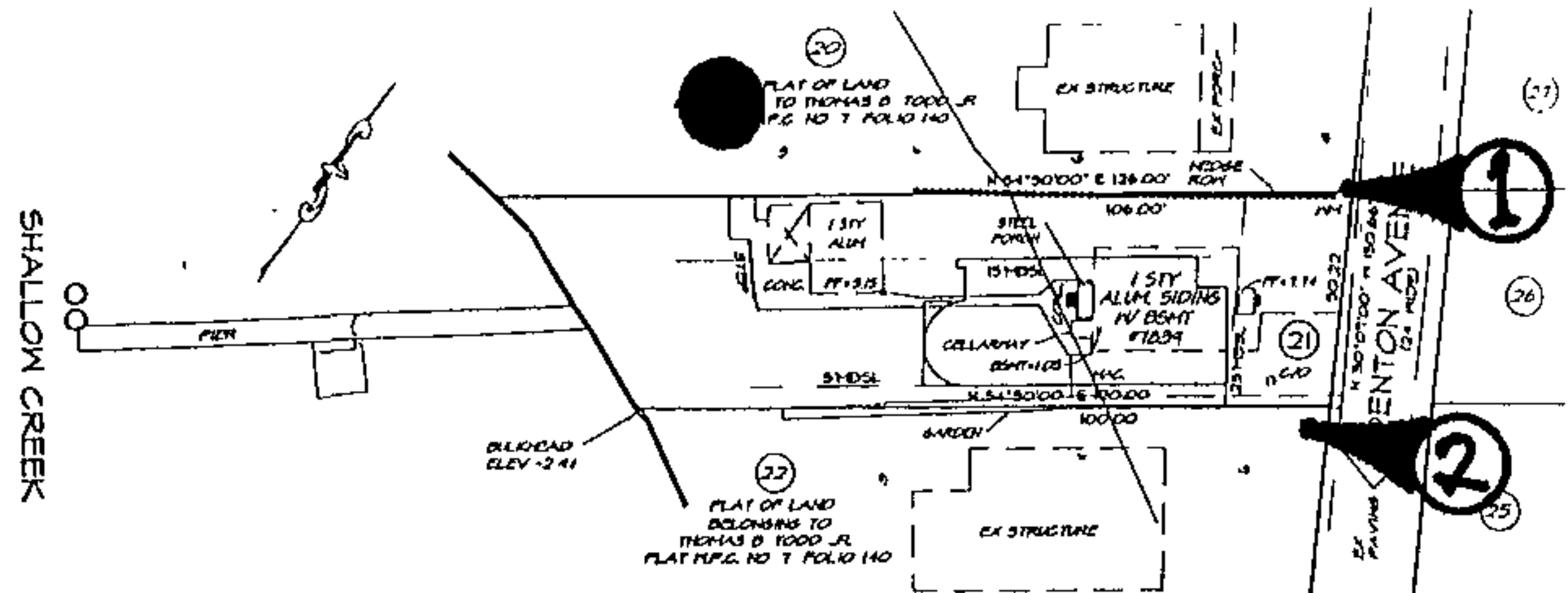


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BALTIMORE COUNTY
2000 COMPREHENSIVE
ZONING MAPS:
6E. 8I & SE. 9I

SITE PLAN
 #1839 DENTON AVENUE
 LOT 21 - LAND OF
 THOMAS B. TODD JR.
 PLAT BOOK 7 FOLIO 140
 FIFTEENTH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 FOR: SAMUEL C. HAFER, TRUSTEE



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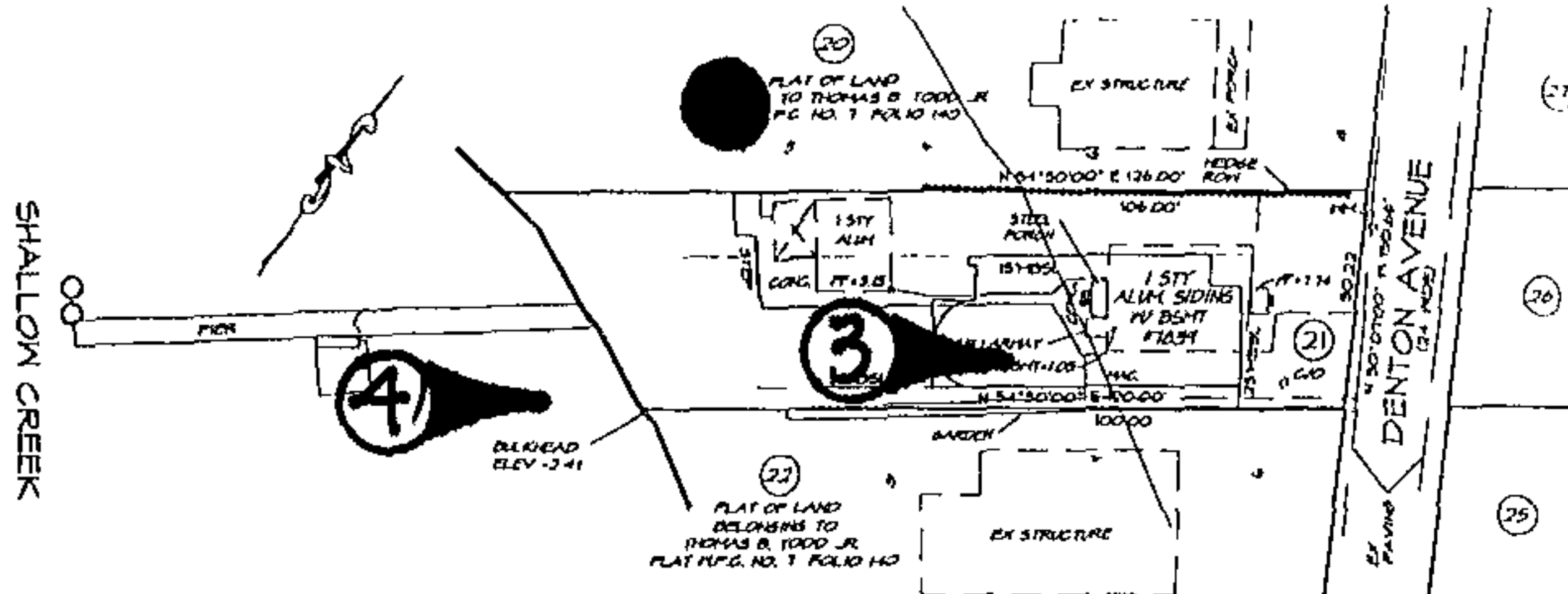
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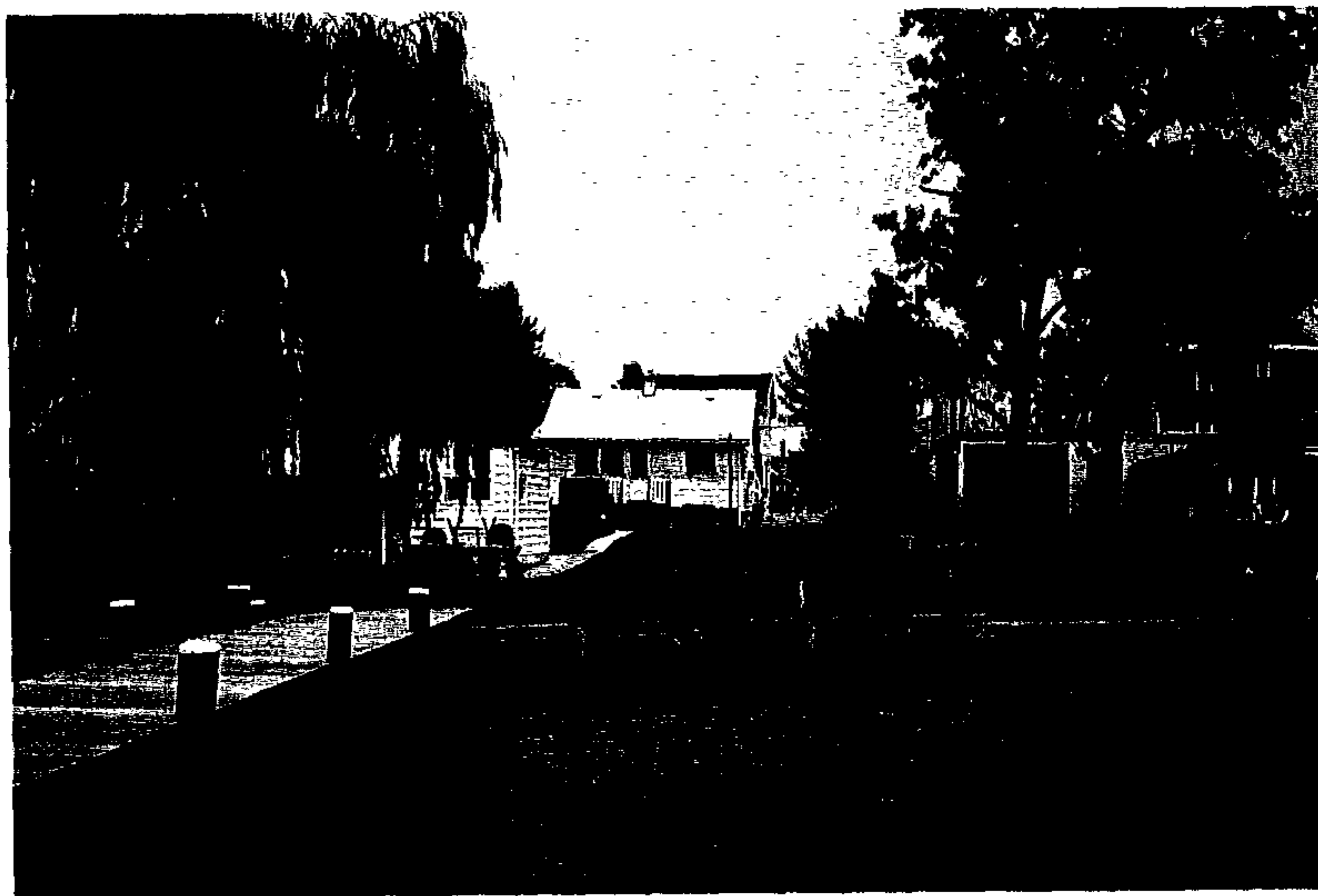


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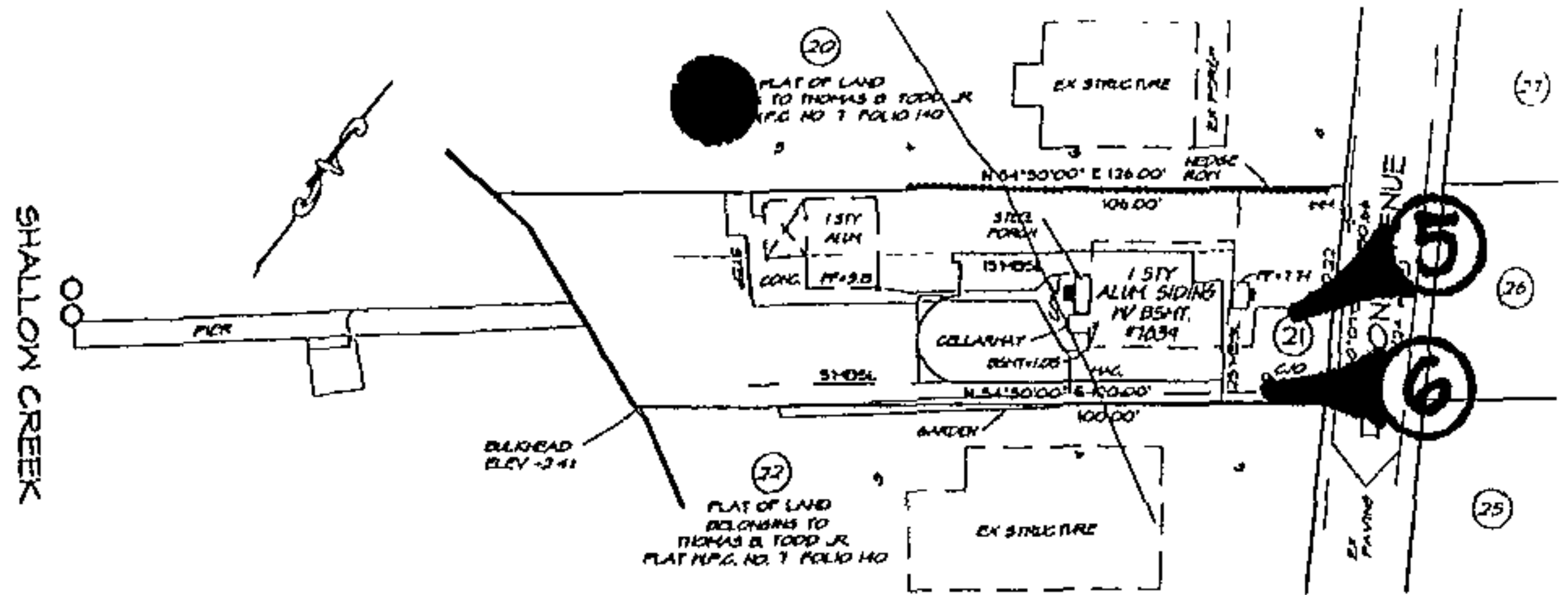
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SITE PLAN
 #1839 DENTON AVENUE
 LOT 21 - LAND OF
 THOMAS B. TODD JR.
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 BALTIMORE COUNTY, MARYLAND
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PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 7839 DENTON AVE., BALTO., MD 21219

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME UNTITLED PLAT

PLAT BOOK # 7 FOLIO # 140 LOT # 21 SECTION # NA

OWNER SAMUEL C. HAFFER

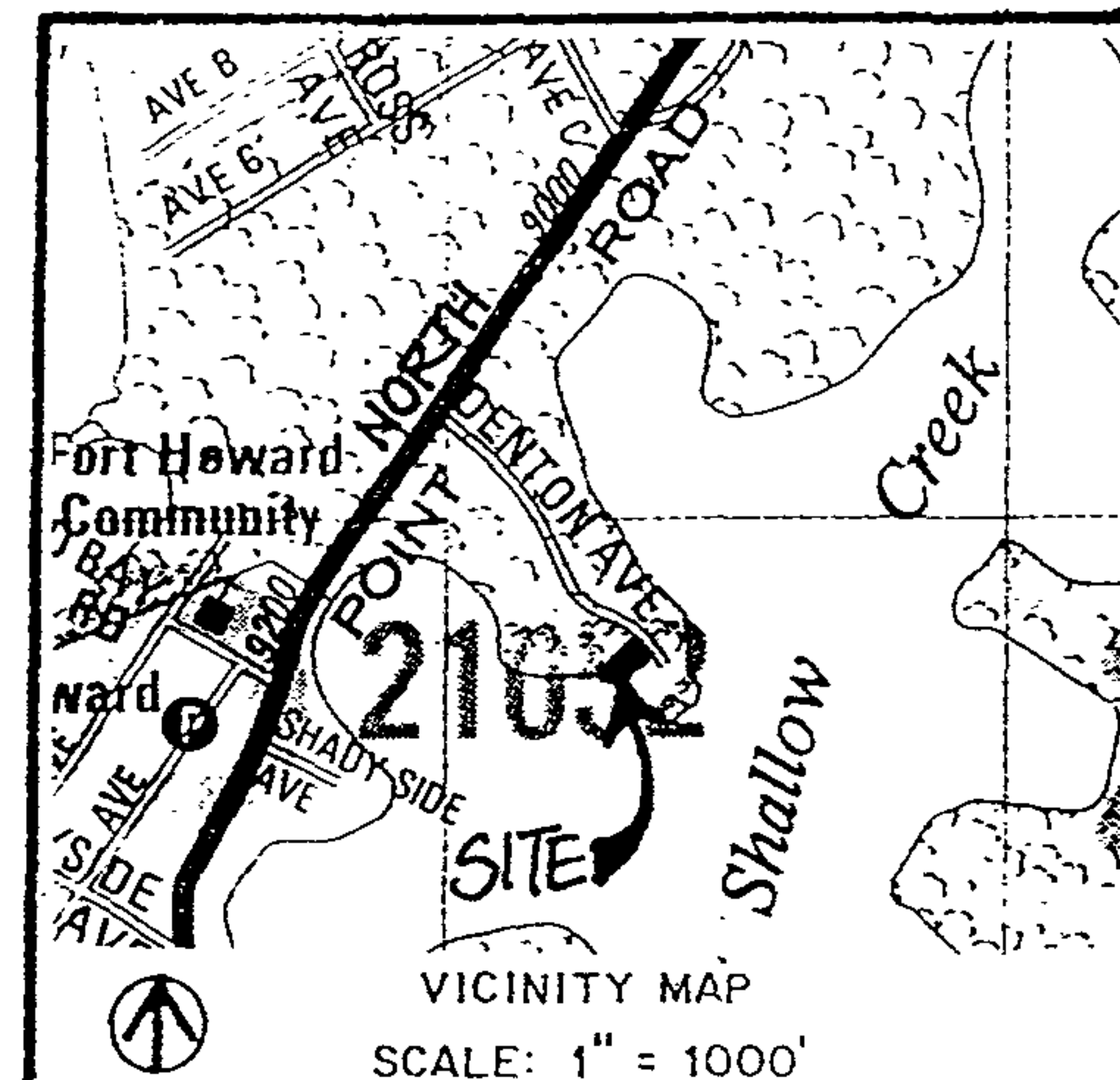
POINT OF BEGINNING
1075' TO NORTH POINT RD.

PROPOSED (3) STY.
FRAME DWELLING

LANDS OF: HARRY & DOROTHY DAWSON
DEED REF.: 3280 / 422
TAX ACCT. NO.: 1504000610

LANDS OF: RICHARD & LEONA TOLAND
DEED REF.: 11914 / 548
TAX ACCT. NO.: 1526800000

PROPOSED 5' SETBACK
IN LIEU OF THE 10' REQ'D



LOCATION INFORMATION

ELECTION DISTRICT 15th
COUNCILMANIC DISTRICT 7th
1" = 200' SCALE MAP # S.E. 81 & 91
ZONING DR 5.5
LOT SIZE 0.21 AC. 9096 S.F.
ACREAGE SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO
100 YEAR FLOOD PLAIN A-9 ☒ ☐
HISTORIC PROPERTY / BUILDING ☐ ☒
PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY OL ITEM # 105 CASE #

PREPARED BY WILSON DEEGAN & ASSOC., INC. 8/19/03 SCALE OF DRAWING: 1" = 30'