

W/S of Rockhaven Avenue 1st Election District 1st Councilmanic District (2202 Rockhaven Avenue)

Theresa & Tyler Hafen

Petitioners

- BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 04-273-A

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### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Theresa and Tyler Hafen. The variance request is for property located at 2202 Rockhaven Avenue in the Catonsville area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 20 ft. in lieu of the required 30 ft. to construct an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the 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.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this <u>f</u> day of January, 2004, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 20 ft. in lieu of the required 30 ft. to construct an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

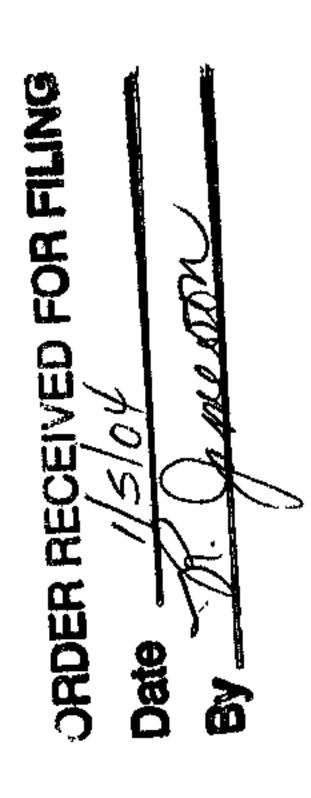
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



### 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

January 2, 2004

Mr. & Mrs. Tyler Hafen 2202 Rockhaven Avenue Catonsville, Maryland 21228

Re: Petition for Administrative Variance

Case No. 04-273-A

Property: 2202 Rockhaven Avenue

Dear Mr. & Mrs. Hafen:

Enclosed please find the decision rendered in the above-captioned case. The administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits & Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



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



# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 🚵	2202	Rockhaven	Aue.
	· · · —	zoned x D.R	

I/We do solemnly declare and affirm, under the penalties of

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)

Yard setback of 20 ft. in lieu of the required 30 ft. to construct an addition.

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.

			perjury, that I/we are is the subject of this	the legal owner(s) of the p Petition.	roperty which
Contract Purchaser/	Lessee:		<u>Legal Owner(s)</u>	<u>:</u>	
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Address		Telephone No.	Name - Type or Print	Hafen 	<u> </u>
City	State	Zip Code	Signature		
Attorney For Petition	er:	-	2202 R Address	ockhaven Av.	10-203-10. Telephone No.
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	· <del>F - 7 \                               </del>	Catonsville City	MD 2 State	1228 Zip Code
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ртрану	······································	<del></del>	Name	<del></del>	<u> </u>
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39 3	State	Zip Code	City	State	Zip Code
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da of guations of Baltimore Count	y and that the property	be reposted.			coursy trio zoning
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	A		Zoning Comr	nissioner of Baltimore County	
EASE NO. 04	-273-A	Rev	riewed By	Date	12/
REV 10/25/01	•	Ëst	imated Posting Date	11/19/18	

Estimated Posting Date 12/19/09

# 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	Address	2 Rockha	veh Av.	
	·	Caton	sville	MD State	21228 Zin Code
	That based upon personal knowledge, the followariance at the above address (indicate hards)	owing are th	ne facts upon which		equest for an Administrative
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	We would like to				
<b>2</b> .	Our family is good	wing	and w	e are	having great
2	difficulty with on	'Y 0	ne bat	hroom.	
Э.	We have invested	har	d work	. & seve	-al thousand
	dollars into this 80	year	old ho	use and	l do not ha
	the money to purcha	se a	new hon	٠.	
	That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	formal dema	and is filed, Affiant		red to pay a reposting and
	Signature Hafe	·	Signature	1	401
	Name - Type or Print	·	Name - Type of	Print Has	?ea
	STATE OF MARYLAND, COUNTY OF BALTI				
	I HEREBY CERTIFY, this 17th day of 100 of Maryland, in and for the County aforesaid, pe	IMBER ersonally ap	, <u>200</u> peared	3_, before me,	a Notary Public of the State
	the Affiant(s) herein, personally known or satisf	factorily iden	tified to me as suc	Affiant(s)	
	the Milanday Herein, personally Milant or Salisi	idotorny idei	Ithica to file do ouci	i randintoj.	3 'Y
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			ly Commission Exp	ires 9/1/04	<b>)</b>
	REV 10/25/01				·

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That the Affiant(	s) does/do presently reside at	Address	Rockhau	en Av.		
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That based upor Variance at the a	n personal knowledge, the fo above address (indicate hards	llowing are the fa ship or practical d	icts upon which ifficulty):	I/we base the re	equest for an Adm	inistrative
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dollars	into this	80 yea	rold	house	and c	do not
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Name - Type or Prin			Name - Type or I	Sca Ha	ten	<u> </u>
	TIFY, this TIM day of Mand for the County aforesaid, p	-	, <u>Z</u> <u>003</u>	, before me,	a Notary Public of	the State
the Affiant(s) her	rein, personally known or satis	sfactorily identified	d to me as such	Affiant(s).		<del></del> i
<b>REV 10/25/01</b>	y hand and Notarial Seal		y Public ommission Expir	1. Kalley es 9/107		
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CASE NO.

REV 10/25/01

# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at X 2202 Rockheven Ave.

Estimated Posting Date 12/19/03

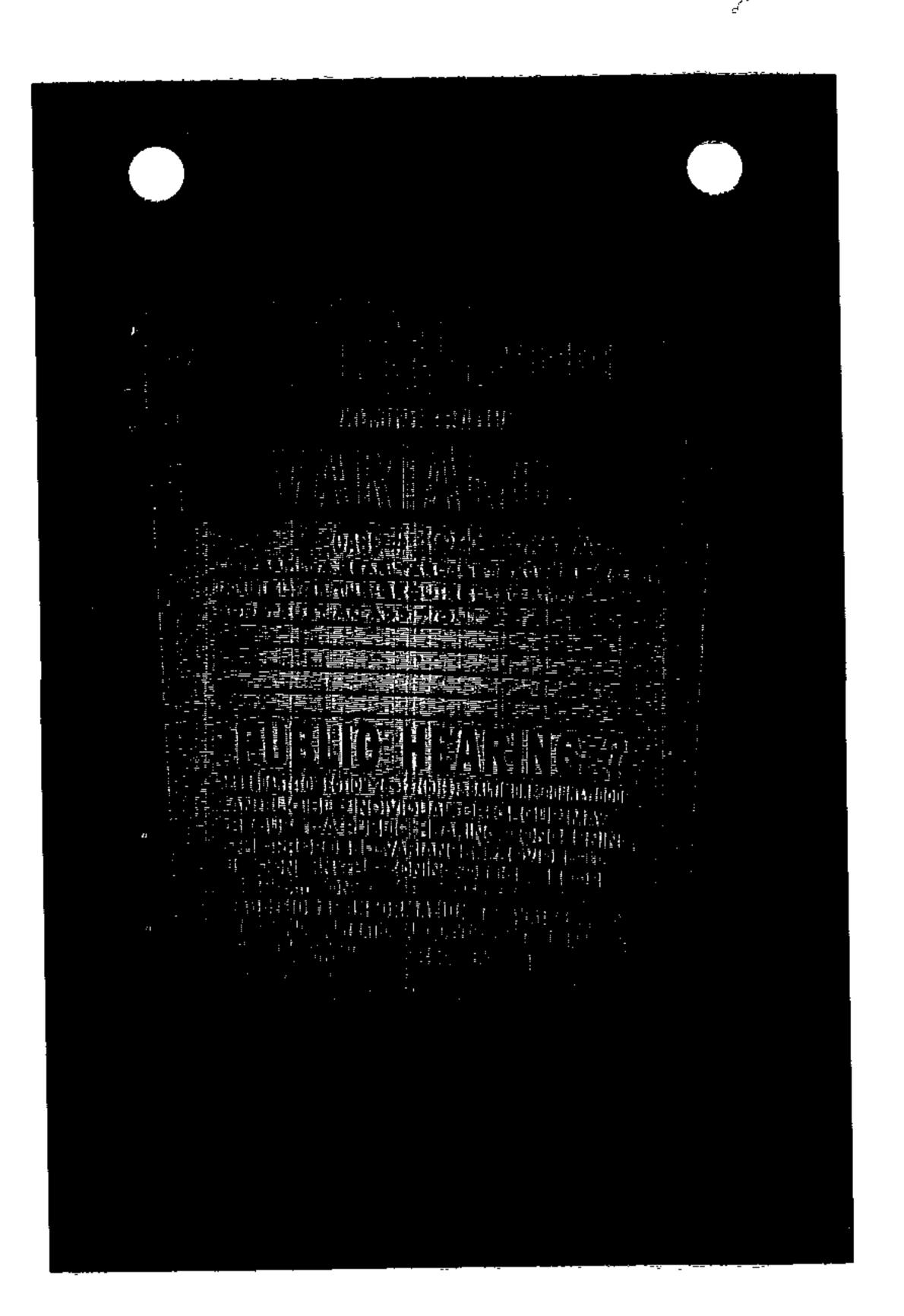
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an addition.	•		or jak regur	180 3041	TO COASIFU
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Property is to be posted and adv , or we, agree to pay expenses of regulations and restrictions of Baltin	above Varia	ince, advertising, po	sting, etc. and further agree t	to and are to be bou e County.	nded by the zoning
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ignature	<del></del>	<del></del>	Representative to	be Contacted:	
ompany		  -  - 	Name	<del></del>	<del></del>
ddress	······································	Telephone No.	Address		Telephone No.
ity	State	Zip Code	City	State	Zip Code
Public Hearing having been formal ris day of day of and that egulations of Baltimore County and that	tnat	the subject matter of t	required, it is ordered by the a his petition be set for a public he	aring, advertised, as re	of Baltimore County, equired by the zoning
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		1	Zoning Commissi	ioner of Baltimore Cou	nty

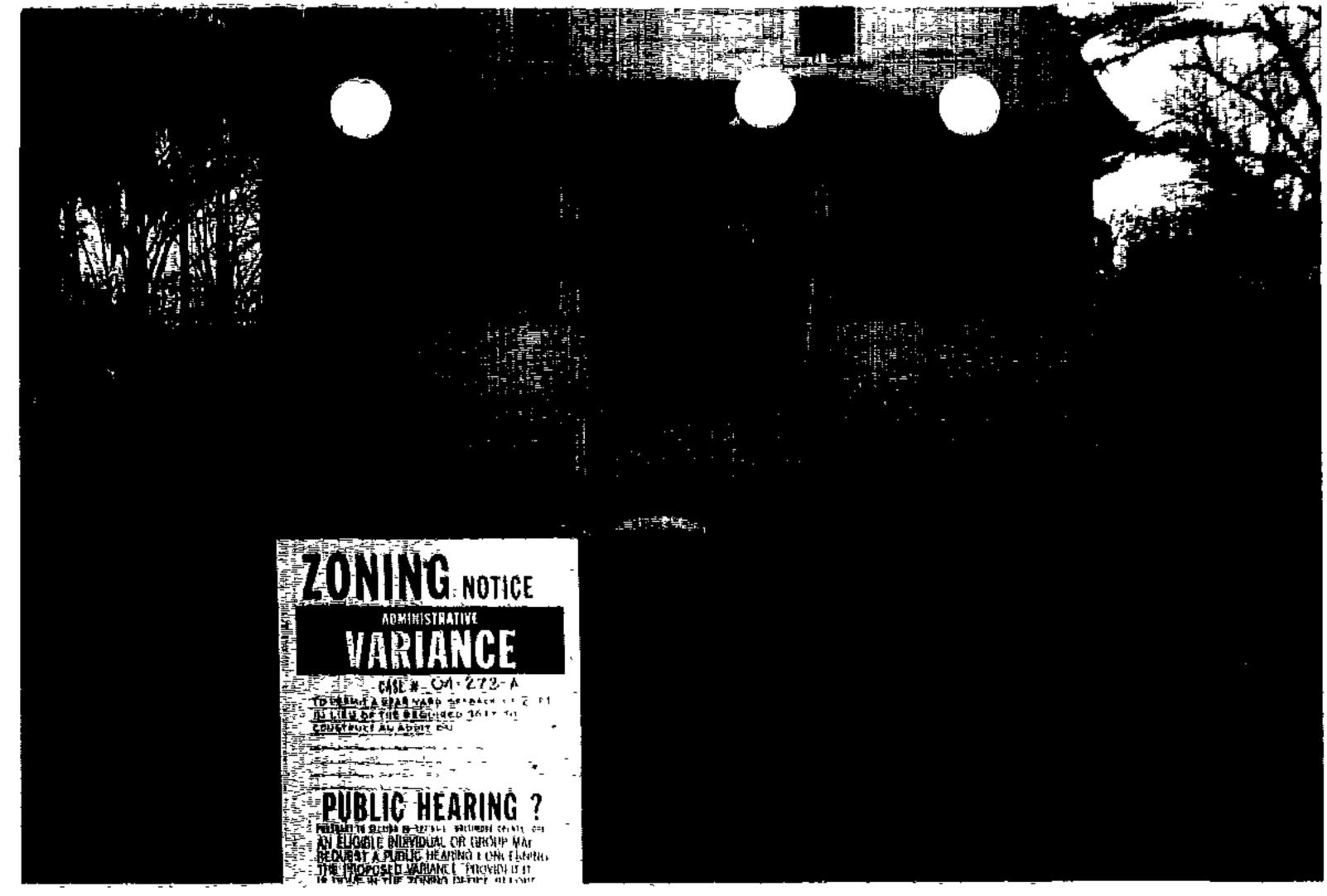
Reviewed By \_\_\_\_

BEGINNING FOR THE SAME at an iron bolt driven in the ground in the center of said Rockhaven (which said beginning point is also the beginning point of that piece or parcel of ground which by deed dated April 5, 1911 and recorded among the Land Records of said Baltimore County in Liber WPC No. 376, folio 248 etc. was granted and conveyed by W. J. Dickey and Sons Inc. to the Frank Clark and Ida R. Clark his wife) and running thence with a part of the first line of said last named deed and in the center of said Rockhaven Avenue (1) North 4 degrees 36 minutes West 91.5 feet to the end of the fourth line of that lot or parcel of ground which by deed dated September 30, 1946 and recorded among said Land Records in Liber JWB No. 1525 folio 182 etc. was granted and conveyed by Frank E. Clark and wife to Harry F. Phillips and Annie M. Phillips, his wife, and running thence reversely on said last named line (2) South 85 degrees 53 minutes West 129.6 feet to the beginning thereof thence (3) south 4 degrees 36 minutes East 90 feet to intersect the fourth or last line of the land conveyed by W. J. Dickey and Sons Inc. to Clark as aforesaid thence running with a part of said last named line (4) North 86 degrees 33 minutes East 129.6 feet to the place of beginning containing 0.278 of an acre of land more or less.

The improvements thereon being known as No. 2202 Rockhaven Avenue.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE No. 50440 MISCELLANEOUS RECEIPT	
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FROM: No. 1 And Andrew Carlot	Maltimore County, Haryland
POR: LA LA LA CALLANA LA LA CALLANA LA CALLA	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW CUSTOMER	CASHIER'S VALIDATION





### CERTIFICATE OF POSTING.

•	Date of Hearing/Closing: DEC. 19, 2003
Saltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Cowson, MD 21204	
Montion: BECKY HART	•
adies and Gentlemen: This letter is to certify under the were posted conspicuously on the property located	the penalties of perjury that the necessary sign(s) required by d at #2707 Rock HAVON AVE.
* P	· -12.278.18.22
The sign(s) were posted on DEC. 12, (M	2003 onth, Day, Year)
	Sincerely,  Sincerely,  (Signature of Sign Poster and Date)  (Signature of Sign Poster and Date)  (Printed Name)
	3225 RYERSON CIRCLES (Address) (Address) (DAUTIMORE, MD. 21227
	(City, State, Zip Code)  (C4(の) 242-4263  (Telephone Number)

RE: Case No.: 04-273-A

Petitioner/Developer: TYLER & THERESA HAFESW

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-

273

-A

Address 2202 Rockhaven Ave.

Contac	t Person:	Brung	Rudait r, Please Print Your N	i'S		_ Phone Number: 410-887-33	91
Filing	Date:	12/4/03			12/14/0	了 Closing Date: 12/27/	/43
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	a ioiinas	request for a	public nearing	I. Please	Understar	ant or owner within 1,000 feet to not that even if there is no form the closing date.	file nal
	order that (typically	t the matter by within 7 to 10 a	e set in for a days of the clo	e requeste a public h sing date)	ed reliet; (learing. Yearing.	d by the zoning or deputy zon b) deny the requested relief; or ou will receive written notificate the petition has been granted to you by First Class mail.	(c)
4.	POSSIBL (whether commissi changed	E PUBLIC HE due to a neigoner), notification of the ertification o	ARING AND Inhor's formal ion will be formation of the hearing of t	REPOSTING request of the state time	IG: In casor or by order or you. Tand location	ses that must go to a public hear or of the zoning or deputy zon he sign on the property must on. As when the sign was origin e altered sign must be forwarded	ing be
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		USE THE	ADMINISTRA	ATIVE VA	RIANCE S	IGN FORMAT	
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Petitio	ner's Nam	ne Tylera	Theresa /	Jafen		Telephone 410- 203- /	 3 حلا ن
Postii	ng Date:	12/19	4/03		Closing Da		
Wordi <u>Jh</u>	ng for Sig	n: <u>To Permit</u> uived 30	q rear	vard s	etback	of 20 ft. in lieu o addition.	4
	<u> </u>	· · · · · · · · · · · · · · · · · · ·		····		WCR - Revised 6/	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.

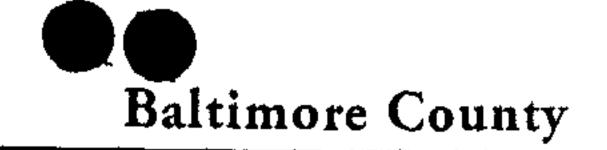
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 04-273- A
Petitioner: Thecesa Hafen
Address or Location: 2202 Bockharen Ave.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Tyler & Thereson Hofen
Address: 2202 Bockhaven Ave.
Cotonsville 40 21228
Telephone Number: 410-203-1083

# Department of Permits and Development Management

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





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

December 29, 2003

Tyler Hafen Theresa Hafen 2202 Rockhaven Avenue Catonsville, MD 21228

Dear Mr. and Mrs. Hafen:

RE: Case Number: 04-273-A, 2202 Rockhaven Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 19, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel



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 December 18, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: December 18, 2003

Item No.:

267-271, 273-283

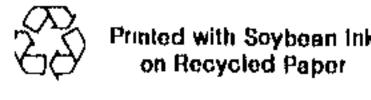
Dear Ms. Hart:

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





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

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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: /2./6.03

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

RE:

**Baltimore County** 

Item No. 273

BPR

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,

1. J. Dred

b

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

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: December 30, 2003

CEIVED

DEC 3 0 2003

ZONING COMMISSIONER

Zoning Advisory Petition(s): Case 04-273 – Administrative Varaince SUBJECT:

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.

Section Chief:

AFK/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

DATE: December 29, 2003

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

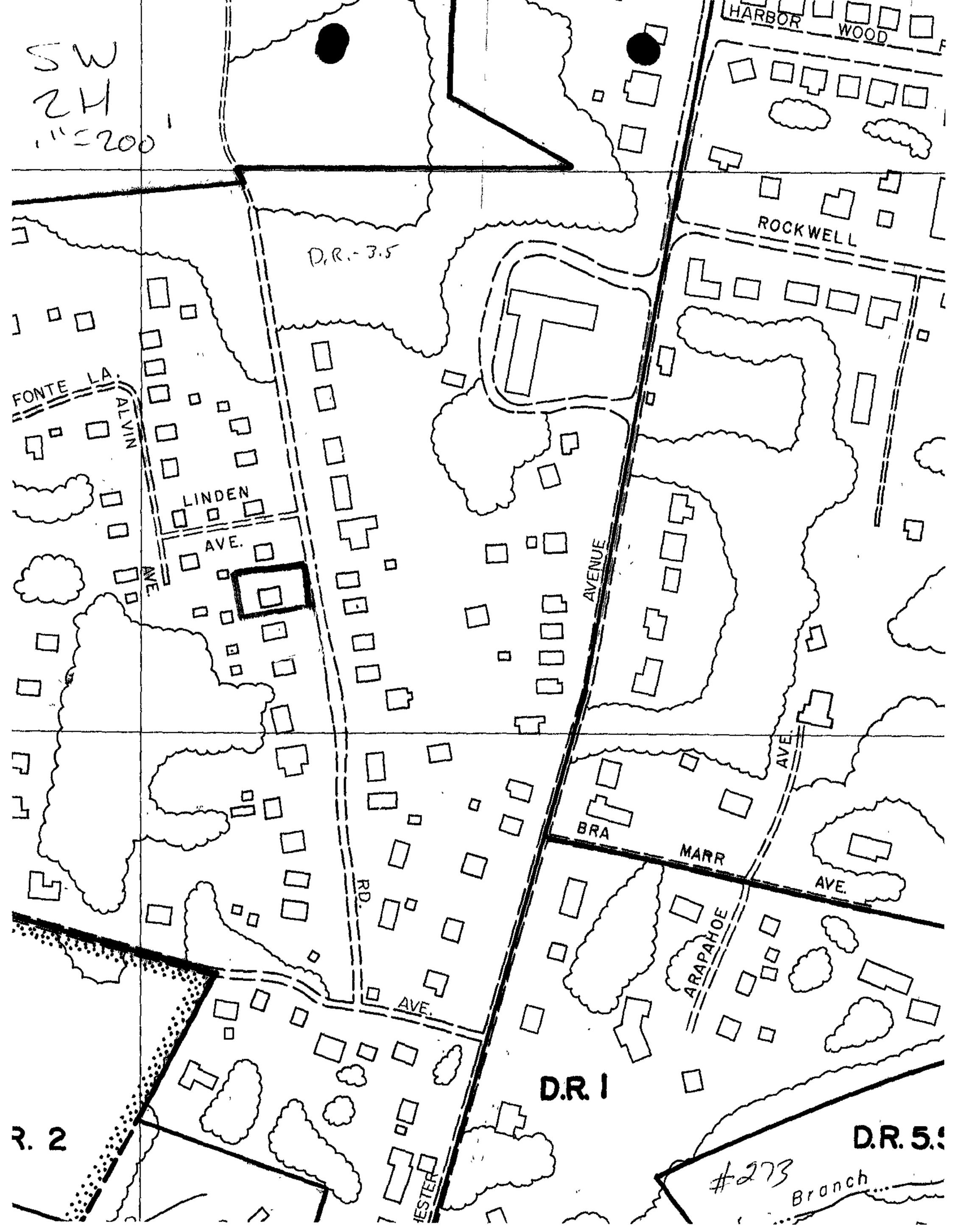
For December 22, 2003

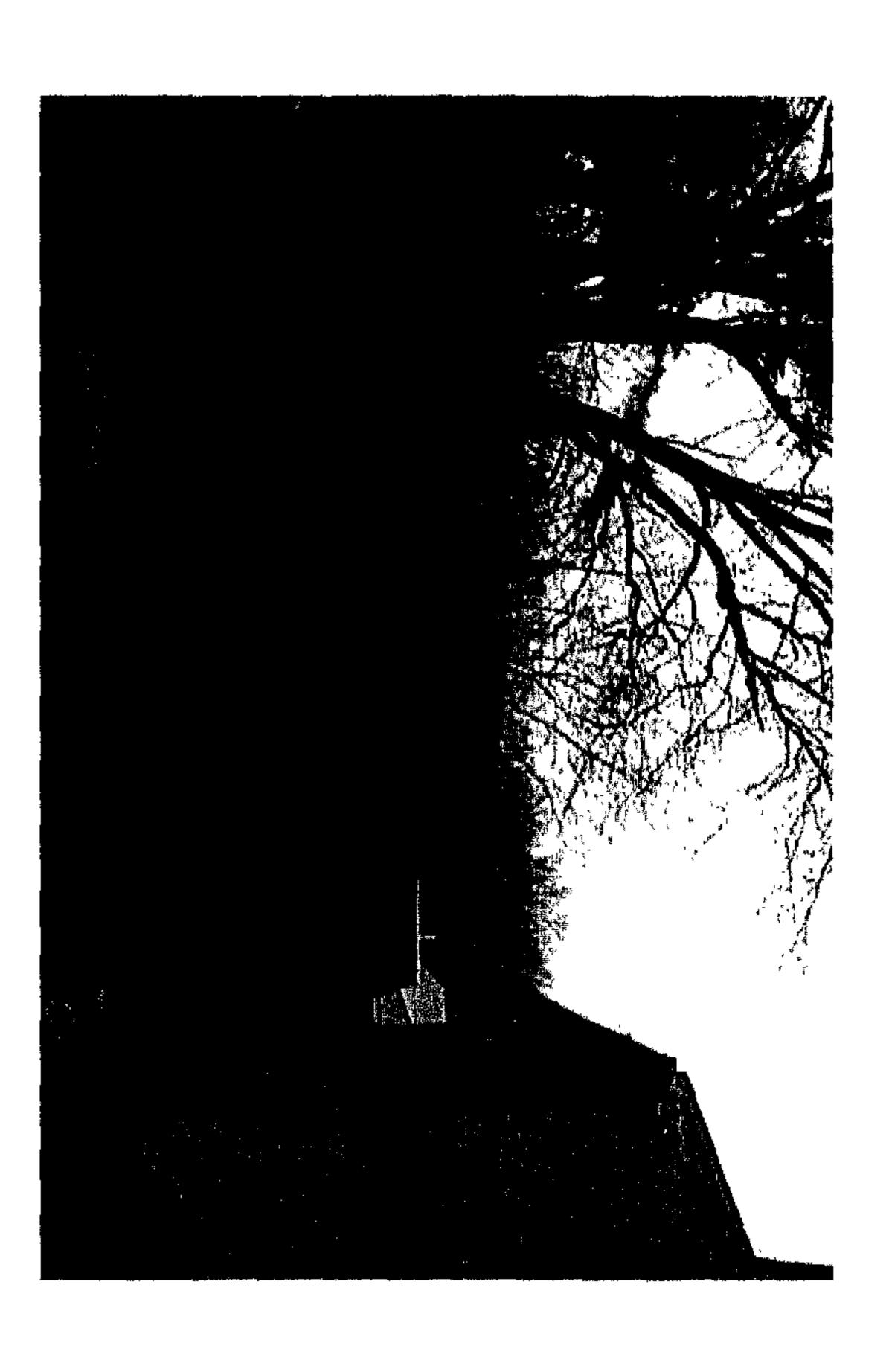
Item Nos. 267, 269, 270, 271, 272, 273, 274, 275, 279, and 283

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

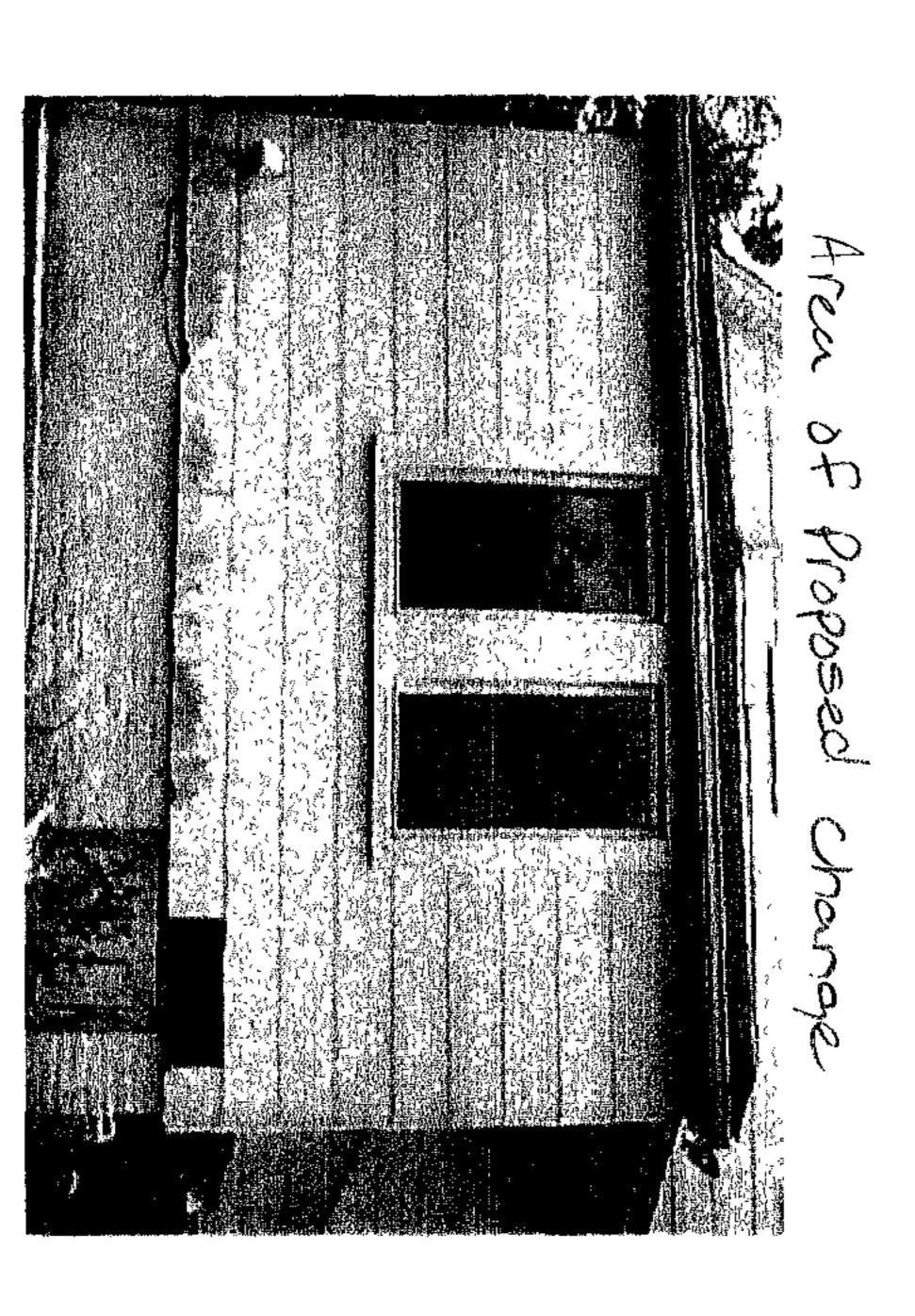
RWB:CEN:jrb

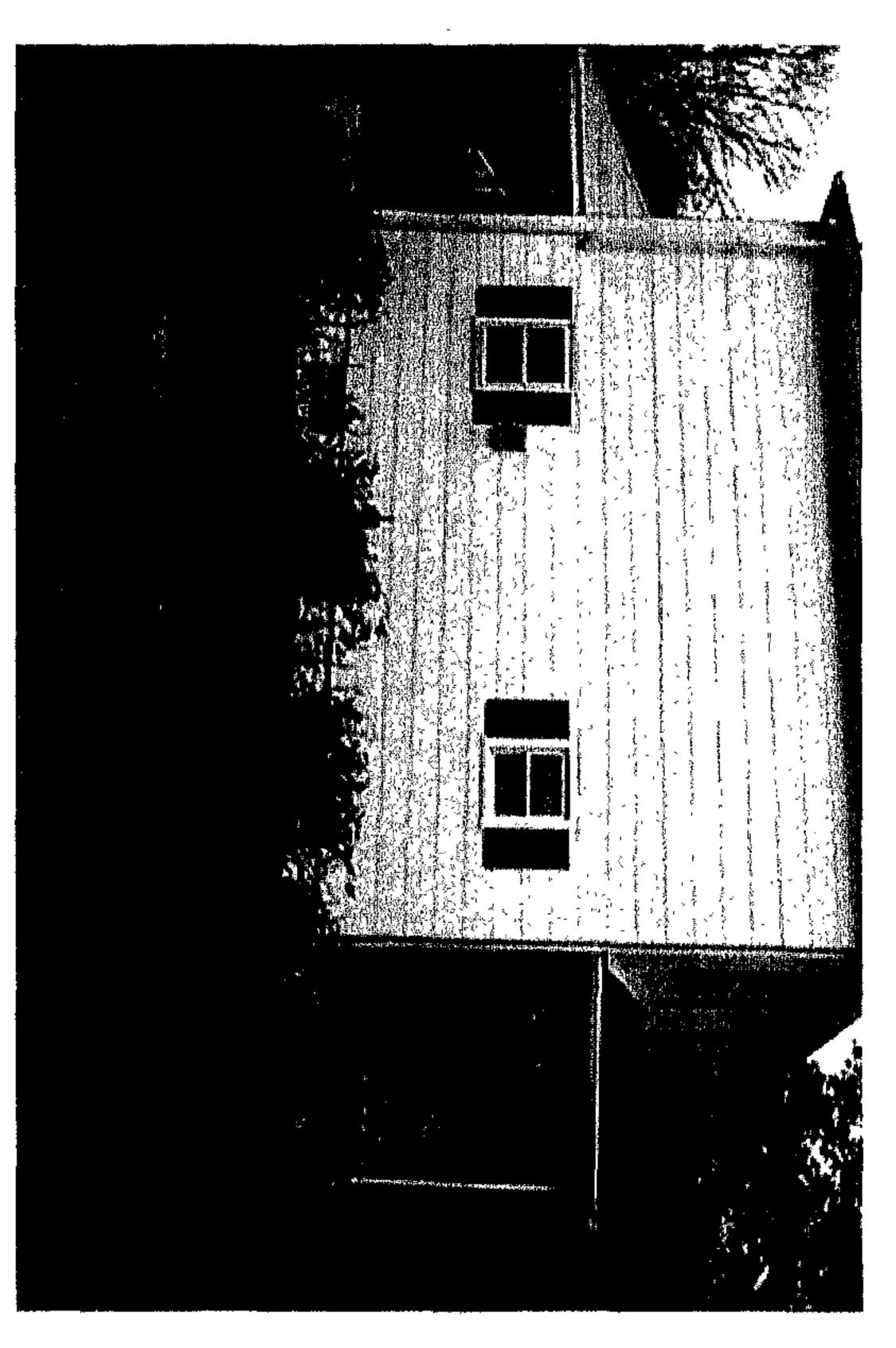
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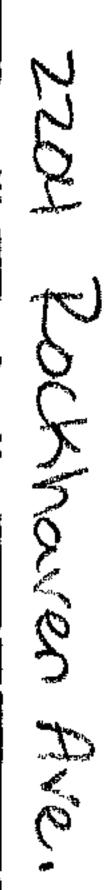


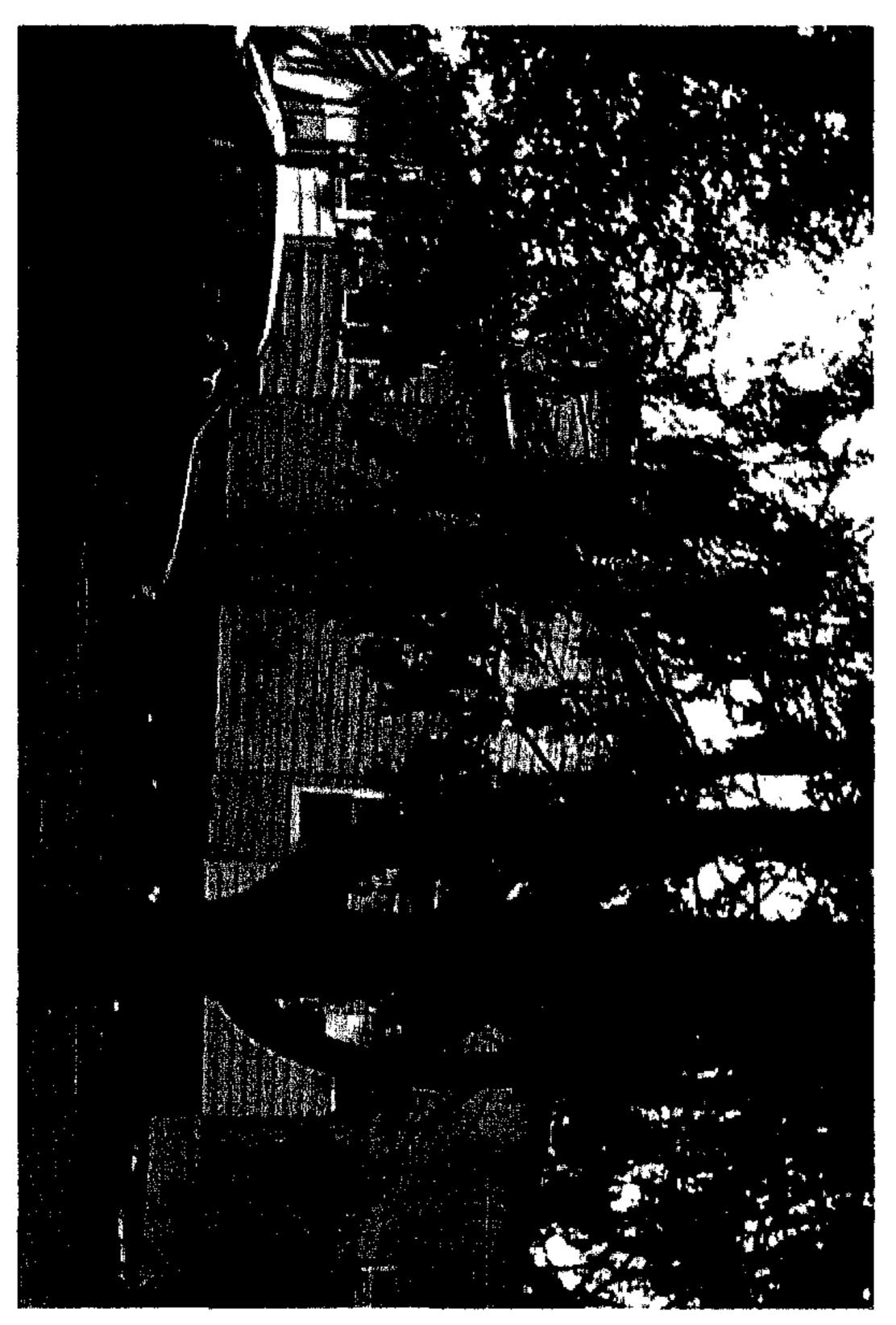
Charece





2200 Roxhaven Ave.





### PREPARED NORTH SUBDIVISION NAME DURESS ACCOMPANY FOLIO 58943 101 Henen SECTION DRAWING: 08 VIEWED BY CHESAPEAKE **SNINOZ** COUNCIL 1100 HUB HUB ECTION SIZE ORIC PROPERTY, YEAR SEWER WATER ZONING LONAL MANIC DIS WESTCHESTER OF THE STER BAY AREA CALE: NOIL 0 g TRICT m REQUIRED HEARING DISTRIC FICE # INFORMATION AIN M INFORMATION **JSE 2**000' S ONLY TOURANGO RO DARO ARLONNE 图员 K