

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Flagship Road, 58 feet SE of
Leeway Road
12th Election District
7th Councilmanic District
(23 Flagship Road)

Mark Hafner, Jr.
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0247-A

* * * * *

OPINION AND ORDER

This matter comes before this Administrative Law Judge as a Petition for Administrative Variance filed by the legal owner of the subject property, Mark Hafner, Jr. for property located at 23 Flagship Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition on the rear of an existing dwelling to have a 13 feet rear setback in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct an addition measuring 12 feet x 12 feet. Additional living space is necessary for the family of six. Petitioner's home was constructed in 1921, long before the imposition of zoning on the property.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 27, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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

ORDER RECEIVED FOR FILING

Date 6-9-11

By [Signature]

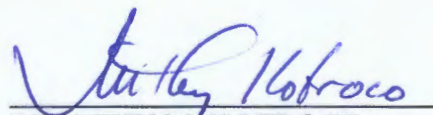
indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements 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 Petitioner.

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 Administrative Law Judge for Baltimore County, this 9th day of June, 2011 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition on the rear of an existing dwelling to have a 13 feet rear setback in lieu of the required 50 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 6-9-11

By 



KEVIN KAMENETZ
County Executive

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

June 9, 2011

MARK HAFNER, JR.
23 FLAGSHIP ROAD
BALTIMORE MD 21222

Re: Petition for Administrative Variance
Case No. 2011-0247-A
Property: 23 Flagship Road

Dear Mr. Hafner:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

ORIGINAL
KEEP IN FILE



TAX. A UNIT # 1223038860

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 23 Flagship Rd
which is presently zoned DR-10.5

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 (BCR)

TO PERMIT AN ADDITION ON THE REAR OF AN EXISTING DWELLING
TO HAVE A 13 FT. REAR SETBACK IN LIEU OF THE REQUIRED 50 FT.

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 _____ Date 6-9-11
City _____ By [Signature] State _____ Zip Code _____

Legal Owner(s):

Mark Hafner Jr
Name - Type or Print _____
Signature [Signature]
Mark Hafner Jr
Name - Type or Print _____
Signature [Signature]
23 Flagship Road 410-284-8019
Address _____ Telephone No. _____
BALT. MD
City _____ State _____ Zip Code 21222

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
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.

CASE NO. 2011-0247-A

REV 10/25/01

Zoning Commissioner of Baltimore County
Reviewed By [Signature] Date 2/18/11
Estimated Posting Date 2/27/11

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

23 Flagship Road
Address
Baltimore MD 21222
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):

Please see attached Exhibit "A"

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.

Mark Hafner Jr.
Signature

Mark Hafner Jr.
Name - Type or Print

Susan Wilson
Signature
Name - Type or Print
RESIDENT
(NOT OWNER)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of February, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mark Hafner, Jr. and Susan Wilson

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

AS WITNESS my hand and Notarial Seal



Kathleen M. Lombardi
Notary Public
My Commission Expires 1/14/2015

0247

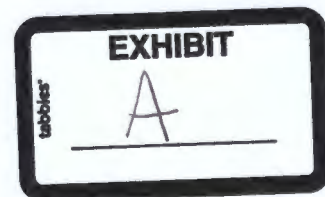
That based upon personal knowledge, the following are the facts which we base the request for an Administrative Variance at the above address (indicated hardship or practical difficulty).

Homeowner, Mark Hafner, applied for a building permit on February 14, 2011 to build a 12x12 addition to the back portion of his home located at 23 Flagship Road Baltimore, Maryland 21222. Due to Baltimore County Zoning, which requires you to have 50 feet from your house to your property line, enables us from building the addition. No home in our area has 50 feet from their home to their property line as the community was built in 1921. Due to the zoning policies in Baltimore County our family will suffer hardship if we are unable to build the addition.

Our home was purchased in 2001 with intent to be our home not an investment property. As children we both were born and raised in Dundalk, Baltimore County. We graduated from Dundalk High School and went on to college at the Community College of Baltimore County Dundalk. Susan graduated from CCBC with a paralegal degree. Our four children attend Dundalk Elementary which is one block from our home on flagship. The two eldest children are in the gifted and talented program at Dundalk Elementary and our fifth grader has recently applied to Parkville Middle School's Science and Engineering Program which was recognized by President Obama as a pilot school for the engineering and science program on February 14, 2011. We are very invested into our community and act as co-chairs and chair persons for the Watersedge Recreational Council where our four children play basketball, baseball, softball, soccer and dance. We are currently raising money to begin a football and cheer program which is scheduled to launch this August 2011.

Over the past 10 years we have completely remolded this home and would like to build a 12x12 addition to provide additional space for our family of six. We chose this home because of the large bedrooms and third floor which provides ample amounts of bedroom space for our children. Moving to a new home has been considered however economically, as working parents, we would not be able to afford to buy a new home and would risk bankruptcy and foreclosure. Additionally, it would be devastating to pull our kids from their school and their extra curricular activities and they have excelled to very high levels in school and hold titles like Football Team Captain. All four of our children require daycare and even with both parents working full-time our budget is very tight.

Ourselves and our children are both very invested into this community and call this our home. It would be unjust as well as a financial hardship if we were forced to move because we are unable to make additional space for our family as well as the financial devastation if the economy unfortunately turns for the worse and forces one of us out of our jobs. With that being said we respectfully request your consideration and approval the proposed addition to 23 Flagship Road, Dundalk, Maryland 21222.



02A1

Zoning Description

Zoning Description for 23 Flagship Road

Beginning at a point on the North ^{EAST} side of Flagship Road which is 55' 8" wide at the distance of 58' ~~west~~ ^{SOUTH EAST} of the centerline of the nearest improved intersecting street Leeway. Being Lot # 33, Block 30, in the subdivision of Dundalk as recorded in Baltimore County Plat Book # 5, Folio 56, and Containing 3,036 square feet.

Also known as 23 Flagship Road and located in the 12 th Election District, 7th Councilman District.

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

No.

64724

Date:

2/18/11

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		6150						75.00

Total:

75.00

Rec From:

Hofner

For:

Res Variance Feby 23 Flagship Proj

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 2/18/2011 2/18/2011 10:36:00 2
 REG 002 MAIL JEVA JEE
 >>RECEIPT N 725272 2/18/2011 OPLN

5 528 ZIMING VERIFICATION

064724

Recpt Tot 875.00

4.00 CK 980.00 CA

45.00 CG

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CERTIFICATE OF POSTING

Department of P.I.A.
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

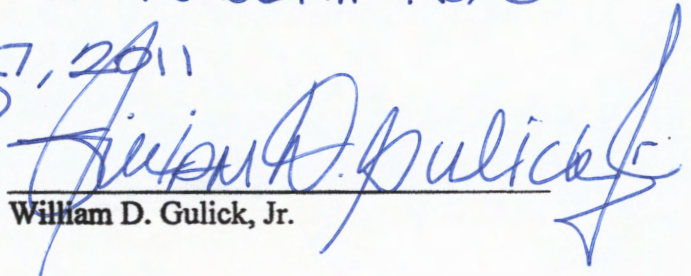
Date: FEB. 27, 2011

ZONING OFFICE
Attention: MS KRISTEN LEWIS

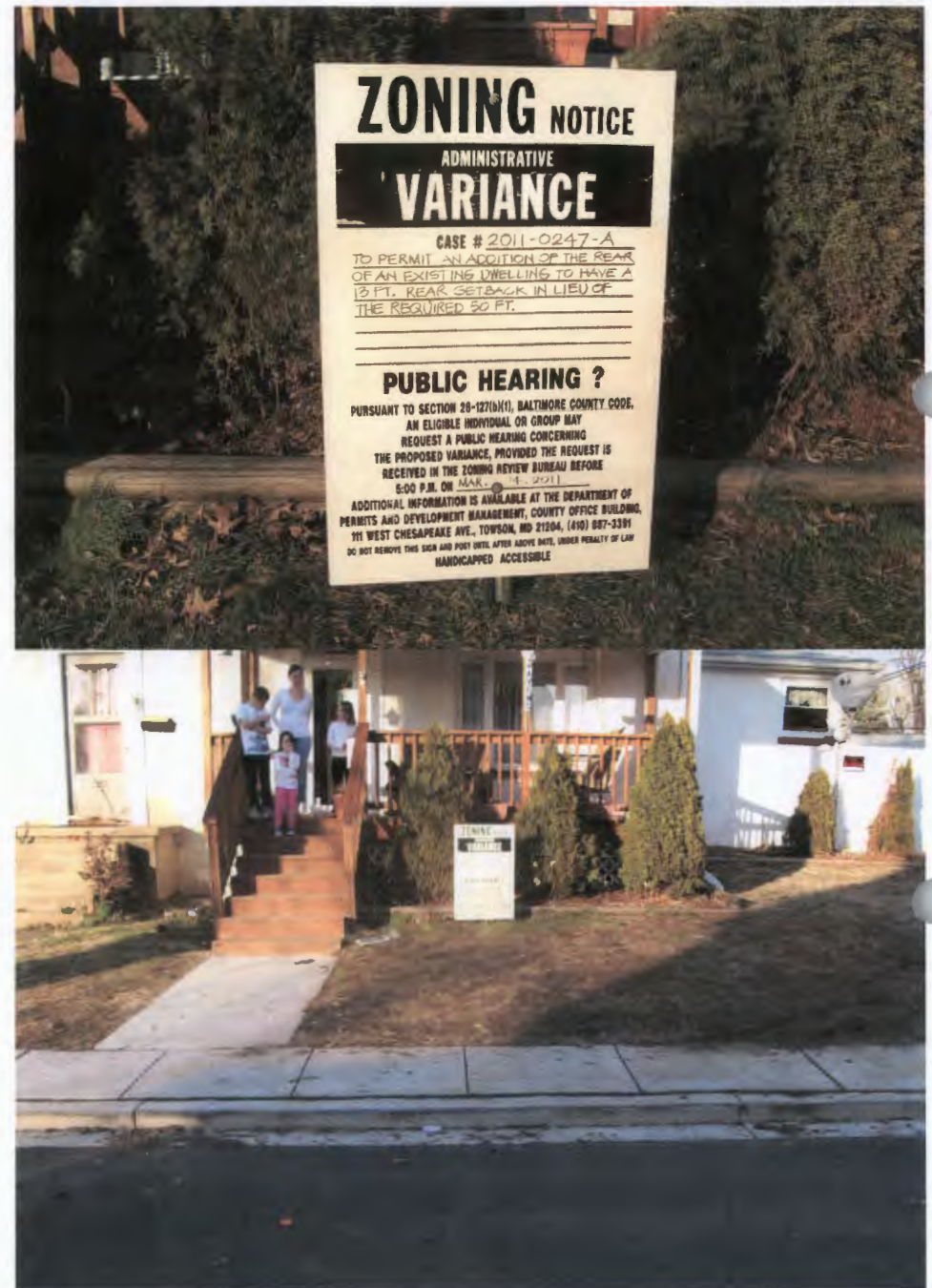
Re: Case Number: 2011-0247-A
Petitioner/Developer: MARK HAFNER, JR.
Date of Hearing/Closing: MARCH 14, 2011

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: 23 FLAGSHIP ROAD

The sign (s) were posted on: FEB. 27, 2011
(SEE ATTACHED PHOTOS)


William D. Gulick, Jr.

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



#23 FLAGSHIP ROAD 2.27.11

COPY TO FILE APP HAS ORIG
POST CIST

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0247 -A

Address 23 FLAGSHIP RD.

Contact Person: JOHN LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 2/18/11

Posting Date: 2/27/11

Closing Date: 3/14/11

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, 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.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2011- 0247 -A

Address 23 FLAGSHIP RD

Petitioner's Name MARK HAFNER JR.

Telephone 410 284 8019

Posting Date: 2/27/11

Closing Date: 3/14/11

Wording for Sign: To Permit AN ADDITION ON THE REAR OF AN EXISTING DWELLING TO HAVE A 13 FT. REAR SETBACK IN LIEU OF THE REQUIRED 50 FT.

Revised 2/17/11

**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: 2011 0247 A

Petitioner: HAFNER

Address or Location: 23 Flagship Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mark Hafner Jr

Address: 23 Flagship Rd.
BALT, MD 21222

Telephone Number: 410 - 905 - 9724

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

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

March 9, 2011

Mr & Mrs. Hafner, Jr.
23 Flagship Road
Baltimore, MD 21222

RE: Case Number 2011-0247A, 23 Flagship Road

Dear Mr. & Mrs. Hafner, Jr.,

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 18, 2011.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

C: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 7, 2011
Item Nos. 2011- 143, 241, 246, 247
and 250

DATE: March 21, 2011

Claring
3/14/11

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

RECEIVED

MAR 22 2011

OFFICE OF ADMINISTRATIVE HEARINGS

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-03072011 -NO COMMENTS.doc

Patricia Zook - Comments for 2 Administrative Variance Cases

From: Patricia Zook
To: Kennedy, Dennis
Date: 3/21/2011 12:51 PM
Subject: Comments for 2 Administrative Variance Cases

Good afternoon Dennis -

I have two administrative variance cases that don't have comments from your office. They are:

2011-0246-A
2011-0247-A

If you don't have a comment, just reply to this e-mail and I'll put it in the file.

As usual, thanks for your help.

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

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Patricia Zook - Re: Comments for 2 Administrative Variance Cases

From: Dennis Kennedy
To: Zook, Patricia
Date: 3/21/2011 1:37 PM
Subject: Re: Comments for 2 Administrative Variance Cases

Patti:

First, I need to correct what I sent to you last Friday...

I have no comments on Items 2011-0248-SPHX and 2011-0249-A.

Second,

I have no comments on Items 2011-0246-A and 2011-0247-A.

Dennis Kennedy

>>> Patricia Zook 3/21/2011 12:51 PM >>>

Good afternoon Dennis -

I have two administrative variance cases that don't have comments from your office. They are:

2011-0246-A

2011-0247-A

If you don't have a comment, just reply to this e-mail and I'll put it in the file.

As usual, thanks for your help.

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

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KEVIN KAMENETZ
County Executive

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

May 24, 2011

MARK HAFNER, JR.
23 FLAGSHIP ROAD
BALTIMORE MD 21222

Re: Petition for Administrative Variance
Case No. 2011-0247-A
Property: 23 Flagship Road

Dear Mr. Hafner:

This Office is in receipt of the file concerning your above-referenced Administrative Variance request wherein you desire to construct an addition on the rear of an existing dwelling with a 13 foot rear setback in lieu of the required 50 feet.

The required photographs were not submitted with the Petition. A note in the case file indicates you are aware that the photographs are a requirement of the Administrative Variance process. These photographs shall illustrate the location of the proposed addition as well as any similar additions in the immediate vicinity. The Office contacted you on March 15, 2011, and again informed you that the photographs are required and must be submitted to us. On April 12, 2011, you contacted us and stated you were going to submit the photographs. As of today's date, the photographs have not been received.

Please provide the required photographs within 14 days. If we do not hear from you within that time period, your Administrative Variance file will be closed and returned to the Zoning Review Office. No further action will be taken by this Office.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Zook".

Patricia Zook
Legal Secretary
Office of Administrative Hearings
for Baltimore County



I

NOTE TO FILE 2011-247-A
MARK HAFNER OWNER OF

23 Flagship will have photo's
labeled with the property and
immediate area inserted to zoning file
well in advance of the end
of the assigned posting date for
hearing demands. I am requesting
to file at my own risk.

Mark Hafner Jr. 2/18/2011

ONCE PHOTOS IN FILE AS STATED ABOVE
BY DEADLINE DISPOSE OF THIS NOTE

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

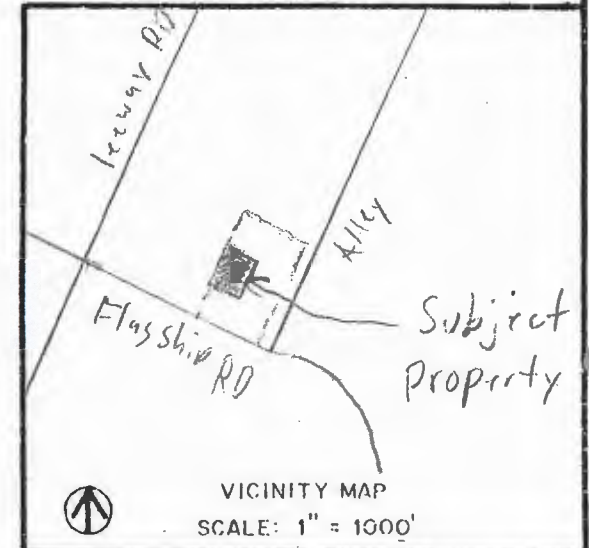
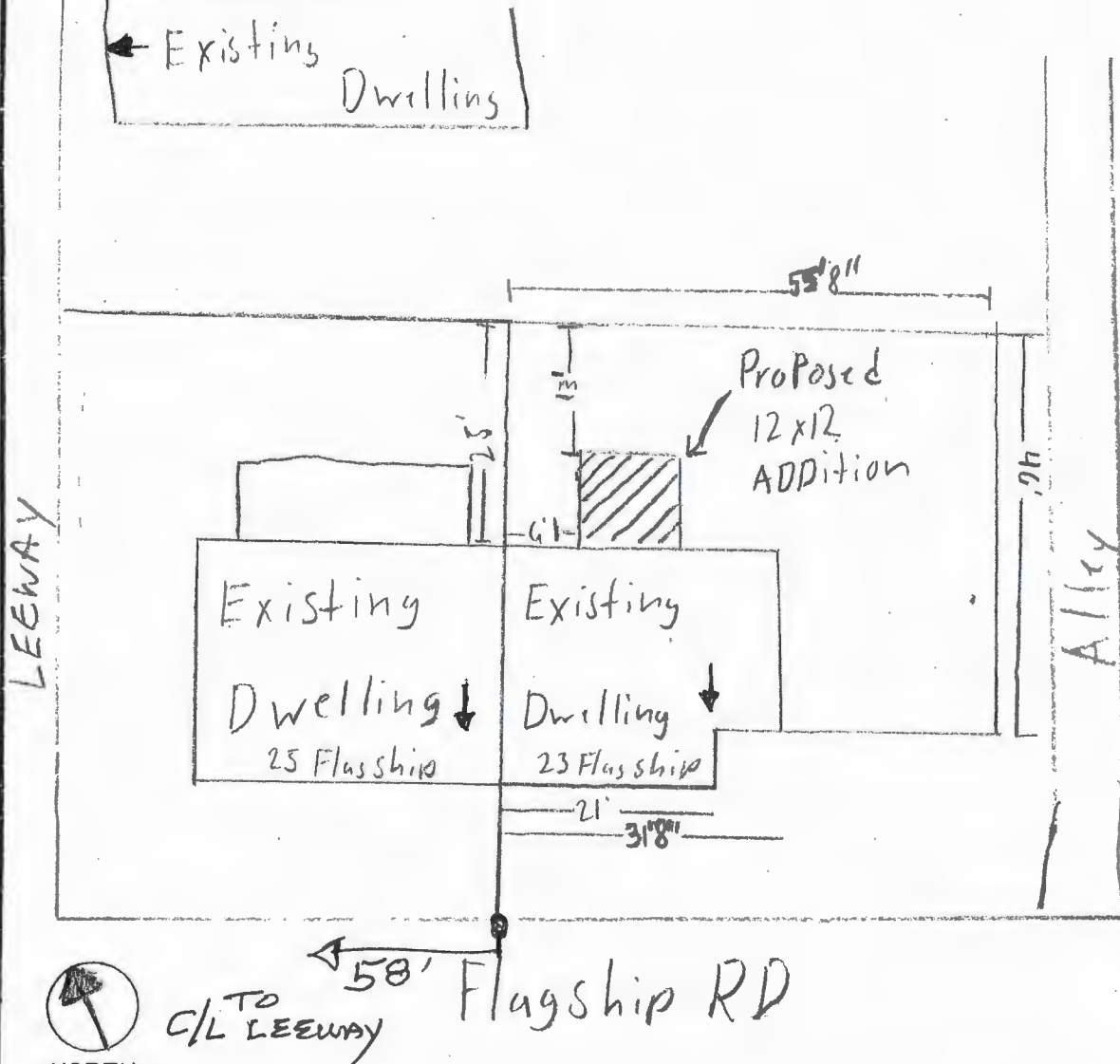
PROPERTY ADDRESS 23 Flagship Rd.

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

SUBDIVISION NAME Dundalk

PLAT BOOK # 5 FOLIO # 56 LOT # 33 SECTION # 30

OWNER MARK HAFNER



LOCATION INFORMATION

ELECTION DISTRICT 7
 COUNCILMANIC DISTRICT 12
 1" = 200' SCALE MAP # 103B2
 ZONING DR 10.5
 LOT SIZE 3,036

	ACREAGE	SQUARE FEET
SEWER	☒ PUBLIC	☐ PRIVATE
WATER	☒ PUBLIC	☐ PRIVATE

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒

 PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
 REVIEWED BY JL ITEM # 2011-0247-A CASE #

PREPARED BY MRH

SCALE OF DRAWING: 1" = 20'