

M E M O R A N D U M

DATE: January 20, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0077-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 19, 2017. 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

IN RE: PETITION FOR VARIANCE

(1232 S. 48th Street)
12th Election District
7th Council District
Carroll E. Hoffstetter, Jr.
Legal Owner

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0077-A

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Petitioner in the above case. Petitioner seeks approval to store/park two recreational vehicles on a property in lieu of one as permitted by the Regulations. That variance request was denied in an Order dated November 21, 2016, and I will not reconsider that decision.

While in practice motions for reconsideration are filed with some regularity in zoning cases, the reality is that the function of such a motion is quite limited. In Calvert County v. Howlin Realty, Inc., 364 Md. 301 (2001), the court held that an agency (like the OAH) “may reconsider an action previously taken and come to a different conclusion upon a showing that ... some new or different factual situation exists that justifies the different conclusion.” In this case, I do not believe Petitioner has identified “some new or different factual situation.” Id. at 325. As such, the motion will be denied.

In addition, under Maryland law a variance should only be granted “sparingly,” since it is “an authorization for [that] ... which is prohibited by a zoning ordinance.” Cromwell v. Ward, 102 Md. App. 691, 699 (1995). I am sympathetic to Petitioner’s plight, but cannot grant the relief unless the proper showing has been made.

THEREFORE, IT IS ORDERED, this 20th day of December, **2016**, by the Administrative

ORDER RECEIVED FOR FILING

Date 12/20/16

By sln

Law Judge for Baltimore County, that the Motion for Reconsideration be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 12/20/16

By sln

IN RE: PETITION FOR VARIANCE

(1232 S. 48th Street)
12th Election District
7th Council District
Carroll E. Hoffstetter, Jr.
Legal Owner

Petitioner

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BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2017-0077-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Carroll E. Hoffstetter, Jr., owner of the subject property ("Petitioner"). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to permit two recreational vehicles on one lot in lieu of the permitted one. A site plan was marked as Petitioner's Exhibit 1.

Carroll Hoffstetter and Stephanie Blasek appeared in support of the petition. A neighbor, James Batton, opposed the request. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not support the request.

The property is approximately 0.52 acres in size and is zoned DR 5.5. The property is improved with a single-family dwelling and two accessory buildings. Petitioner also owns a travel trailer and boat, both of which are stored at the property.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

ORDER RECEIVED FOR FILING

Date 11/21/16

By SEN

Cromwell v. Ward, 102 Md. App. 691 (1995).

I do not believe Petitioner can satisfy this standard, and no evidence was presented to show the property is unique. As such I believe the Petition must be denied. In fact, it is unclear whether the Administrative Law Judge (ALJ) even has the authority to grant a "variance" of the sort requested herein. Section 307 of the B.C.Z.R. states variances may only be granted with respect to height and area, off-street parking and sign regulations. This request does not involve any of these enumerated matters, and the B.C.Z.R. states the ALJ shall have "no power to grant any other variances."

Even though the variance will be denied, it may be Petitioner is entitled to keep two recreational vehicles on this property. Petitioner indicated at the hearing the property is comprised of three lots, and that fact is confirmed by state tax records. The property is shown as Lot Nos. 24, 25 and 26 on the "Plat of John Miller's land," recorded on December 1, 1920. The regulation in question provides that "one recreational vehicle may be stored on a residential lot." B.C.Z.R. §415A.1 (emphasis added). The same regulation provides certain setbacks for storing a recreational vehicle on a "lot occupied by a single-family detached . . . dwelling," which implicitly recognizes such a vehicle could be stored on a vacant or unimproved lot.

As such, if in fact the recreational vehicles owned by Petitioner are stored on separate "lots" (this point was not explored at the hearing) that would appear to be permissible under the B.C.Z.R. Petitioner indicated he was issued a code enforcement violation notice concerning the two recreational vehicles, and that matter was stayed during the pendency of this case. A copy of this Order will be provided to the code enforcement inspector, and it will be up to the Department of Permits, Approvals & Inspections (PAI)--and perhaps ultimately the ALJ hearing the code enforcement case--to determine whether Petitioner is in compliance with B.C.Z.R. §415A.

ORDER RECEIVED FOR FILING

Date

By

THEREFORE, IT IS ORDERED, this 21st day of November, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R) to permit two recreational vehicles on one lot in lieu of the permitted one, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 11/21/16
By sln



PETITION FOR ZONING HEARING(S)

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 1232 S. 48th St Dundalk, Md 21222 which is presently zoned DR 5.5
Deed References: 11933100340 10 Digit Tax Account # 1208067001
Property Owner(s) Printed Name(s) Carroll E Hostetter Jr.

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s)

To be able to keep 2 RV's on my property
415A.1, A; BC2R, To Permit Two Recreational Vehicles on one Lot
IN LIEU OF THE PERMITTED ONE.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Carroll E Hostetter Jr.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1232 S. 48th St Dundalk

MD.

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Stephanie M Blasek.

Name - Type or Print

Signature

1232 S. 48th St Dundalk

MD.

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2017-0077-A

Filing Date 9/23/17

Do Not Schedule Dates:

Reviewer JCM

The Zoning Hearing Property Description

ZONING PROPERTY DESCRIPTION FOR 1232 S. 48th Street, Dundalk Md., 21222

*Beginning at a point on the South corner side of 48th street, intersecting with the East Side of Norman Ave. NOTE: This is a corner property.

Being Lot# 24,25,26, Block(), Section#() in the subdivision of Plat Of John Miller Land as recorded in Baltimore County Plat Book # 5, Folio # 67, containing 22,815 sq ft/ 0.52 acres. Located in the 12th Election District and 7th Council District.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4542616

Sold To:

CARROLL HOFSTETTER JR - CU00239208
1232 S 48th St
Dundalk, MD 21222

Bill To:

CARROLL HOFSTETTER JR - CU00239208
1232 S 48th St
Dundalk, MD 21222

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Oct 27, 2016

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2017-0077-A
1232 S. 48th Street
SE corner of 48th Street and Norman Avenue
12th Election District - 7th Councilmanic District
Legal Owner(s) Carroll Hoffstetter, Jr.

Variance: to permit two recreational vehicles on one lot in lieu of the permitted one.

Hearing: Thursday, November 17, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

10/126 Oct. 27 4542616

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

October 30, 2016

Re:

Zoning Case No. 2017-0077-A

Petitioner: Carroll Hoffstetter, Jr.

Hearing date: November 17, 2016

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **1232 S. 48th. Street Road.**

The sign was posted on **October 28, 2016.**

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2016-0077-A

1232 S. 48th Street

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Thursday November 17, 2016 10:00 AM
REQUEST:

VARIANCE TO PERMIT TWO RECREATIONAL VEHICLES ON ONE
LOT IN LIEU OF THE PERMITTED ONE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE
SOMETIMES NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING
UNDER PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2016-0077-A

1232 S. 48th Street

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UNDER PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE



KEVIN KAMENETZ
County Executive

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

October 13, 2016

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0077-A

1232 S. 48th Street

SE corner of 48th Street and Norman Avenue

12th Election District – 7th Councilmanic District

Legal Owners: Carroll Hoffstetter, Jr.

Variance to permit two recreational vehicles on one lot in lieu of the permitted one.

Hearing: Thursday, November 17, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Carroll Hofstetter, Jr., Stephanie Blasek, 1232 S. 48th Street, Dundalk 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 28, 2016.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

October 13, 2016

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1232 S. 48th Street

SE corner of 48th Street and Norman Avenue

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Arnold Jablon
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C: Carroll Hofstetter, Jr., Stephanie Blasek, 1232 S. 48th Street, Dundalk 21222

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- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 27, 2016 Issue - Jeffersonian

Please forward billing to:
Carroll Hofstetter, Jr.
1232 S. 48th Street
Dundalk, MD 21222

410-285-4424

NOTICE OF ZONING HEARING

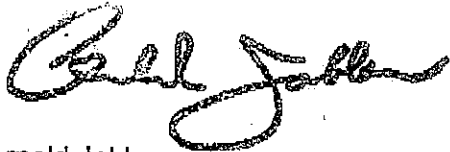
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CASE NUMBER: 2017-0077-A

1232 S. 48th Street
SE corner of 48th Street and Norman Avenue
12th Election District – 7th Councilmanic District
Legal Owners: Carroll Hoffstetter, Jr.

Variance to permit two recreational vehicles on one lot in lieu of the permitted one.

Hearing: Thursday, November 17, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
1232 S. 48th Street; SE corner
of 48th Street and Norman Avenue
12th Election & 7th Councilmanic Districts
Legal Owner(s): Carroll E. Hoffstetter, Jr.
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-077-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

RECEIVED
OCT 05 2016

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 2016, a copy of the foregoing Entry of Appearance was mailed to Stephanie Blasek, 1232 S. 48th Street, Dundalk, Maryland 21222, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0077-A
Property Address: 1232 S. 48th St. Dundalk, Md. 21222.
Property Description: _____
Legal Owners (Petitioners): Carroll HoSstetter Jr.
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Carroll E HoSstetter Jr.
Company/Firm (if applicable): _____
Address: 1232 S. 48th St
Dundalk, Md 21222.
Telephone Number: 410-285-4424

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

Nº 144016

Date: 9.23.16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00 75.00

Total: 75.00

Rec From: CARROLL Hofstater, Jr.

For: 2017-0077-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
9/23/2016 9/23/2016 09:50:35 S

REG 0605 WALKIN LRS

PRECEIPT # 670530 9/23/2016 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 144016

Receipt Tot: \$75.00

\$75.00 CK \$0.00 CA

Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

November 9, 2016

Carroll E Hofstetter Jr.
1232 S 48th Street
Dundalk MD 21222

RE: Case Number: 2017-0077 A, Address: 1232 S 48th Street

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 23, 2016. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Stephanie M Blasek, 1232 S 48th Street, Dundalk MD 21222

Larry Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*



Pete K. Rahn, *Secretary*
Gregory C. Johnson, P.E., *Administrator*

Date: 10/5/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0077-A

Variance
Carroll E. Hoffstetter, Jr.
1232 S. 48th Street

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard A. Zeller".

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: October 20, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-077

RECEIVED

OCT 25 2016

INFORMATION:

Property Address: 1232 S 48th Street
Petitioner: Carroll Hoffstetter, Jr.
Zoning: DR 5.5
Requested Action: Variance

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for variance to permit two recreational vehicles on one lot in lieu of the permitted one recreational vehicle.

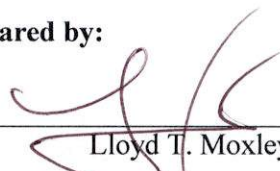
A site visit was conducted on October 12, 2016. The property is the subject of Violation case CC1610070.

The Department does not support granting the petitioned zoning relief.

The over intensive use of residential properties by the outside storage of multiple vehicles, especially in more dense settings, can lead to blight within the neighborhood. This variance is self-imposed in that there exists sufficient space in the existing on-site accessory structures to store the recreational vehicles or, in the alternative, said vehicles are mobile and can be relocated to a suitable storage facility.

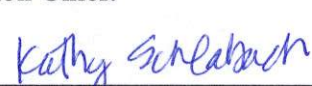
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Stephanie M. Blasek
Office of the Administrative Hearings
People's Counsel for Baltimore County

11-17-16

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 05 2016



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 5, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0077-A
Address 1232 S. 48th Street
(Hoffstetter Property)

Zoning Advisory Committee Meeting of **October 10, 2016**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 10-5-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 12, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For October 10, 2016
Item No. 2017-0076, 0077, 0080, 0081, 0082, 0083, 0086, 0087 and
0088

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\ZAC10102016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: October 20, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-077

INFORMATION:

Property Address: 1232 S 48th Street
Petitioner: Carroll Hoffstetter, Jr.
Zoning: DR 5.5
Requested Action: Variance

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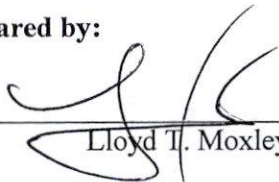
A site visit was conducted on October 12, 2016. The property is the subject of Violation case CC1610070.

The Department does not support granting the petitioned zoning relief.

The over intensive use of residential properties by the outside storage of multiple vehicles, especially in more dense settings, can lead to blight within the neighborhood. This variance is self-imposed in that there exists sufficient space in the existing on-site accessory structures to store the recreational vehicles or, in the alternative, said vehicles are mobile and can be relocated to a suitable storage facility.

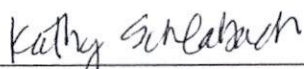
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Stephanie M. Blasek
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 5, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0077-A
Address 1232 S. 48th Street
(Hoffstetter Property)

Zoning Advisory Committee Meeting of **October 10, 2016**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 10-5-2016



CASE NAME HoSstetter
CASE NUMBER 11-077
DATE Nov. 17, 2016

PETITIONER'S SIGN-IN SHEET

[illegible]

— — —

CASE NUMBER _____

DATE _____

CITIZEN'S SIGN - IN SHEET

E - MAIL

[illegible]

Two of them



111 Chesapeake Ave.

Code Enforcement	410-887-3351
Electrical Inspection	410-887-3960
Plumbing Inspection	410-887-3620
Building Inspection	410-887-3953

Permits
- 2nd floor.
left hand corner.

CASE NUMBER CC1610070	PROP.TAX ID 1208067001
VIOLATION ADDRESS 1232 48TH ST DUNDALK, MD 21222-1224	

HOFSTETTER CARROLL E JR
1232 48TH ST
BALTIMORE, MD 21222-1224

County Codes/Regulations	Inspector's Comments
Other Violation(s) B.C.Z.R 415A: One recreational vehicle per property	BCZR 415.1(f); a person may live in a mobile home for 90 days as a guest of the owner. Only one recreational vehicle is permitted at a residential property. Remove boat or camper <i>OWNER OK TO LIVE IN TRAILER WHILE CONSTRUCTION</i> <i>J. Blum</i> <i>7-12-16</i>

Failure to comply with this correction notice, may result in a \$200.00 fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the inspector for more information and details.

COMPLIANCE DATE: 10/08/2016	INSPECTOR NAME: Stuart Kelly
	ISSUED DATE: 09/08/2016

1. It is important that you read this document carefully, as it charges you with the commission of a crime.
2. If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, Imprisonment, or both.
3. If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
4. A lawyer can give important assistance to you:
 - (a) on how to correct the violation(s) in order to avoid trial or
 - (b) at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
5. A conviction for each violation will subject you to potential fines of \$200, \$500, \$1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-802.
6. It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
7. Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the Inspector promptly.



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CC1610070

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CC1610070	Stuart Kelly		08/23/2016	Correction Notice Mailed	10/08/2016	

Complaint Description: PEOPLE LIVING IN TRAVEL TRAILER AT THIS PROP

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
1232 48TH ST DUNDALK, MD 21222-1224 Tax Id: 1208067001	HOFSTETTER CARROLL E JR 1232 48TH ST BALTIMORE, MD 21222-1224	ANONYMOUS

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Stuart Kelly	09/08/2016	Initial Inspection	Correction Notice Issued	Correction Notice Issued	
Stuart Kelly		Re-Inspection	Scheduled		

Lien Information - No Lien

Comments Detail

9/8/2016: Posted correction notice for multiple recreational vehicles and living in camper. Popup 10/8/16 to check # of vehicles
9/8/2016: BCZR 415.1(f); a person may live in a mobile home for 90 days as a guest of the owner.
9/8/2016: Only one recreational vehicle is permitted at a residential property. Remove boat or camper

Carroll Hofstetter
Stephanie Blasek



1232 S.48th Street Dundalk, Md. 21222
443-591-8248
Twoweeks1@verizon.net

December 12,2016

John E. Beverungen
Administrative Law Judge
For Baltimore County
105 West Chesapeake Avenue
Suite 103
Towson, Maryland 21204

RECEIVED

DEC 15 2016

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Petition for Variance
Case No. 2017-0077-A
Property: 1232 S. 48th Street

Dear Judge Beverungen,

I am writing to you in hopes you will reconsider your decision and approve our request for a variance relief for our vacant property so that we may park 1 of the 2 recreational vehicles (Boat or Travel trailer) on the lot.

After receiving your Order and Opinion I called B.C.Z.R. and spoke to Carl Richards. After talking with him and reading him your Order and Opinion he said that I need to get a Variance Relief in order to store one of my recreational vehicles on a vacant or unimproved lot.



While reading your Opinion and Order I realized I forgot to tell you the uniqueness of our property. The State of Maryland considers our property as 3 lots. Lots 24,25,26 on the "Plat of John Miller's Land", recorded on December 1, 1920. Even though the state says that we have 3 lots the B.C.Z.R. considers it to only be 1 lot because the other 2 lots are vacant and unimproved. Therefore we cannot park 1 of our recreational vehicles on those lots without a variance relief for use of those vacant lots for storage.

We are hoping to park 1 of the recreational vehicles alongside of our accessory building on the vacant lots. This is causing us a hardship because your Opinion and Order is saying one thing and B.C.Z.R. is saying another and that we cannot do what your Order says without a Variance Relief for the vacant properties.

I have also enclosed some better pictures of our property. So please reconsider your Opinion and Order would really help me out.

Happy Holidays,

Carroll E. Hofstetter



Stephanie Blasek



We love the look of this stationery just the way it is. But you can add your own personal touch in almost no time.

On the Design tab of the ribbon, check out the Themes, Colors, and Fonts galleries to preview different looks from a variety of choices. Then just click to apply the one you like.

We've also created styles that let you match the formatting you see in this letter with just a click. On the Home tab of the ribbon, check out the Styles gallery for all styles used in this letter.

Find even more easy-to-use tools on the Insert tab, such as to add a hyperlink or insert a comment.

Warm regards,
Your Name



Subject: pic1

From: Stephanie Blasek (twoweeks1@verizon.net)

To: twoweeks1@verizon.net;

Date: Monday, December 12, 2016 9:56 PM



Attachments

- 20161116_162032.jpg (4.72MB)

Picture looking at the front of 1 storage accessory. Would like to park our boat on vacant lot alongside of storage shed.

Subject: pic 2

From: Stephanie Blasek (twoweeks1@verizon.net)

To: twoweeks1@verizon.net;

Date: Monday, December 12, 2016 9:57 PM

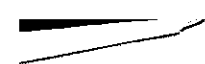


Attachments

- 20161116_162156.jpg (4.53MB)

Looking at 2 of our 3 lots. The 3rd lot is the lot with the yellow house.

This is a side view of the storage accessory from 48th St. view.



1

Subject: pic 3

From: Stephanie Blasek (twoweeks1@verizon.net)

To: twoweeks1@verizon.net;

Date: Monday, December 12, 2016 9:58 PM



Attachments

- 20161116_162447.jpg (5.11MB)

Picture of unimproved / vacant lots
from 48th Street looking down into our
yard.

11-17-16



PROTESTANT'S
EXHIBIT NO. 1













Case No.:

2017-0077-A

Exhibit Sheet - Continued

Petitioner/Developer

19W
1-20-17

Protestants

SLW
11-21-16

No. 13 1	site plan	photos
No. 14 2	photos	
No. 15		
No. 16		
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		



Sent from Yahoo Mail on Android

Attachments

- 20161116_161951.jpg (3.47MB)

PETITIONER' S

EXHIBIT NO.

2

Subject: garage

From: Stephanie Blasek (twoweeks1@verizon.net)

To: twoweeks1@verizon.net;

Date: Thursday, November 17, 2016 7:44 AM



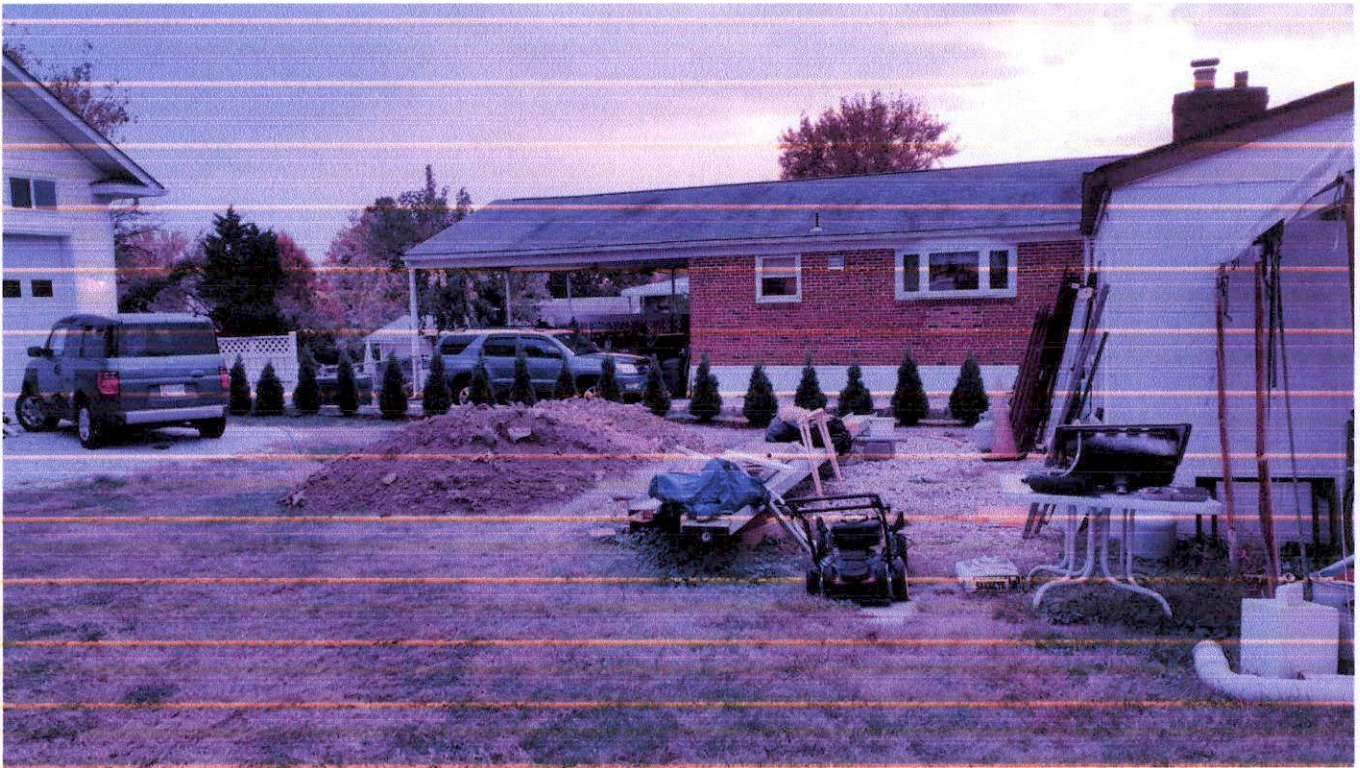
Subject: picture

From: Stephanie Blasek (twoweeks1@verizon.net)

To: twoweeks1@verizon.net;

Date: Wednesday, November 16, 2016 9:00 PM





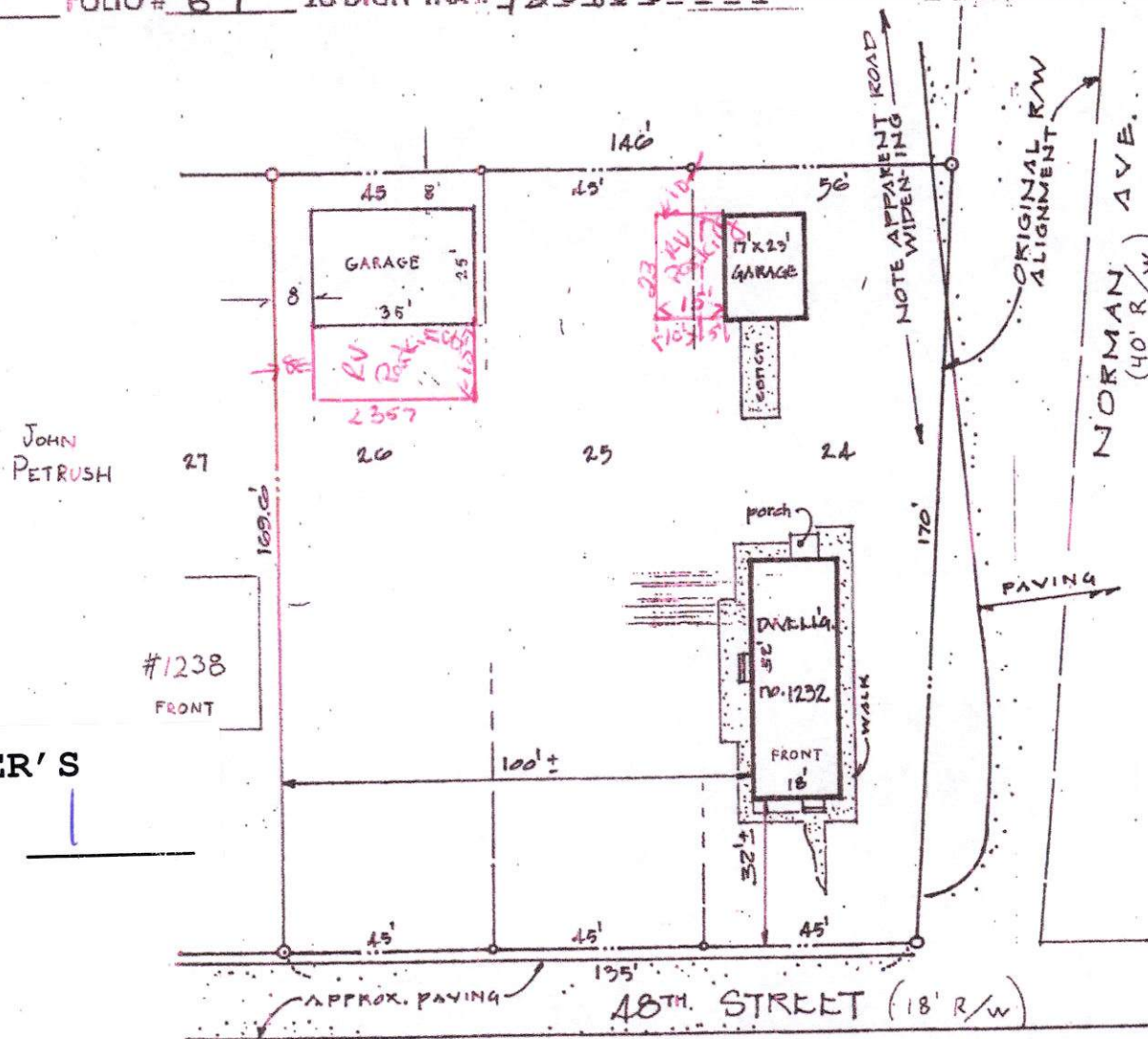
Sent from Yahoo Mail on Android
Picture

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

ADDRESS 1232 S. 48th St Durdak, Md 21222 OWNER(S) NAME(S) Carroll E Hofstetter Jr

SUBDIVISION NAME Plat of John Millers Land LOT # 26 BLOCK # _____ SECTION # _____

PLAT BOOK # 5 FOLIO # 67 10 DIGIT TAX # 1208067001 DEED REF. # 15869100465

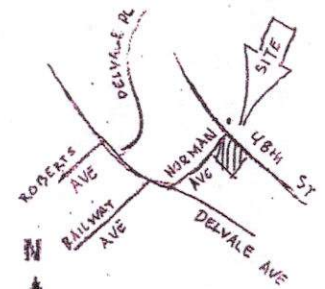


PETITIONER'S

EXHIBIT NO. 1

PLAN DRAWN BY Stephanie Blasek DATE 9-20-16 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 103B1

SITE ZONED DR5.5

ELECTION DISTRICT 12th

COUNCIL DISTRICT 7th

LOT AREA ACREAGE 0.52

OR SQUARE FEET 22815 sq

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2013-0224-SPH

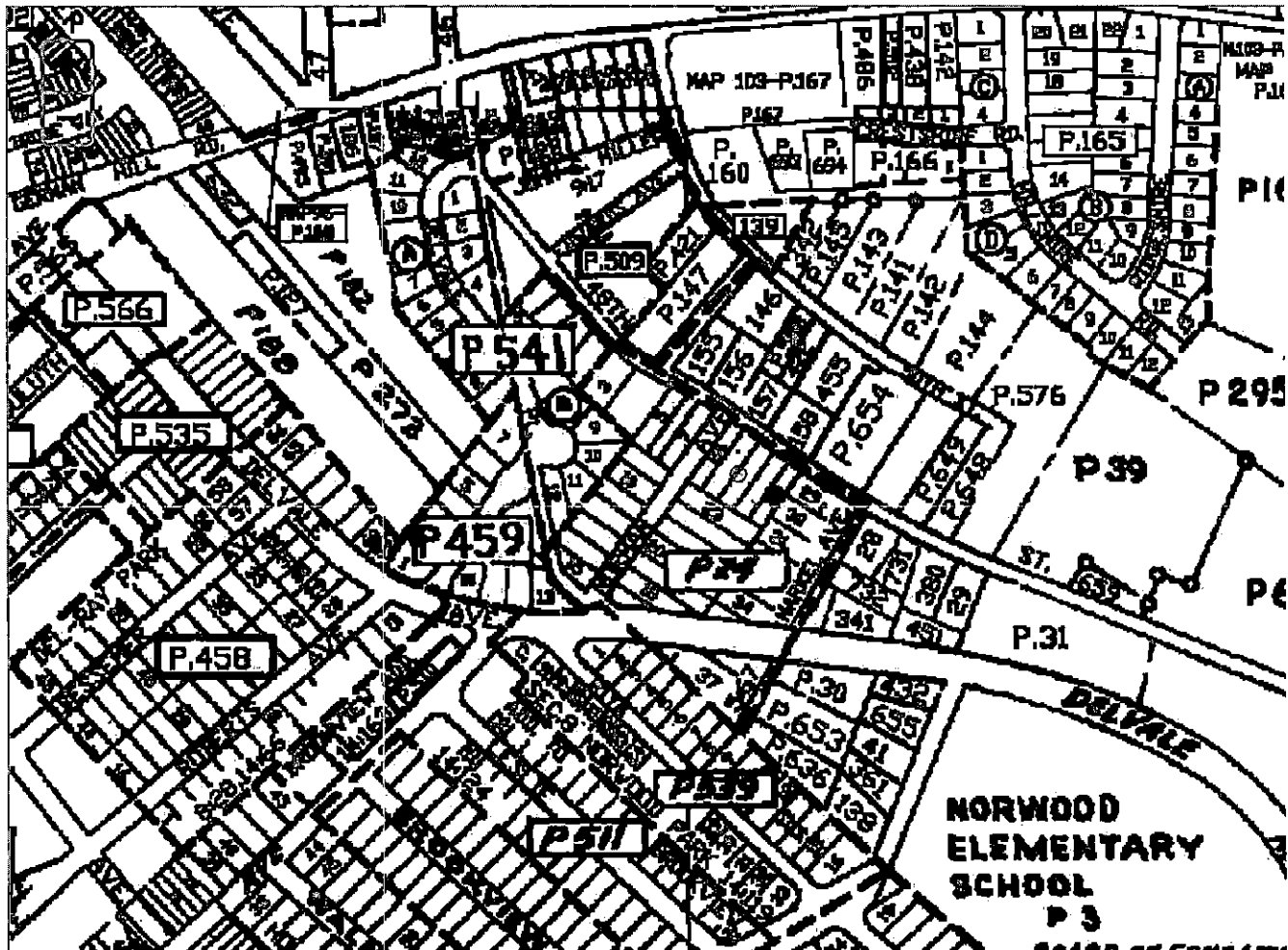
VIOLATION CASE INFO:

CC1610070

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 12 Account Number: 1208067001



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment10/12DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)N/C10/5DEPS
(if not received, date e-mail sent _____)N/C

FIRE DEPARTMENT

10/20PLANNING
(if not received, date e-mail sent _____)Comment10/5

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. CC 1610070)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

10/27/16

SIGN POSTING

Date:

10/28/16by Docik

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



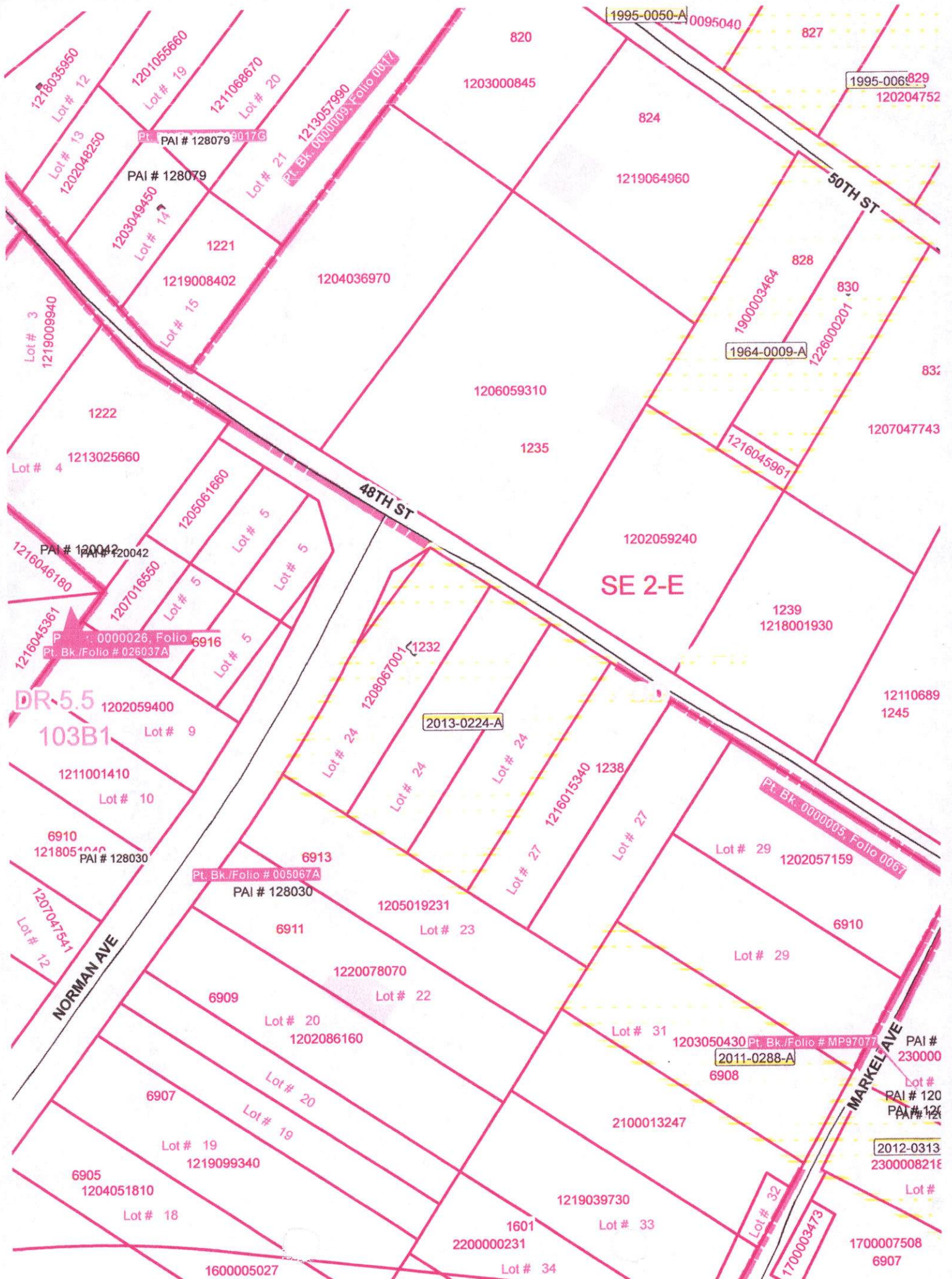
Comments, if any: _____

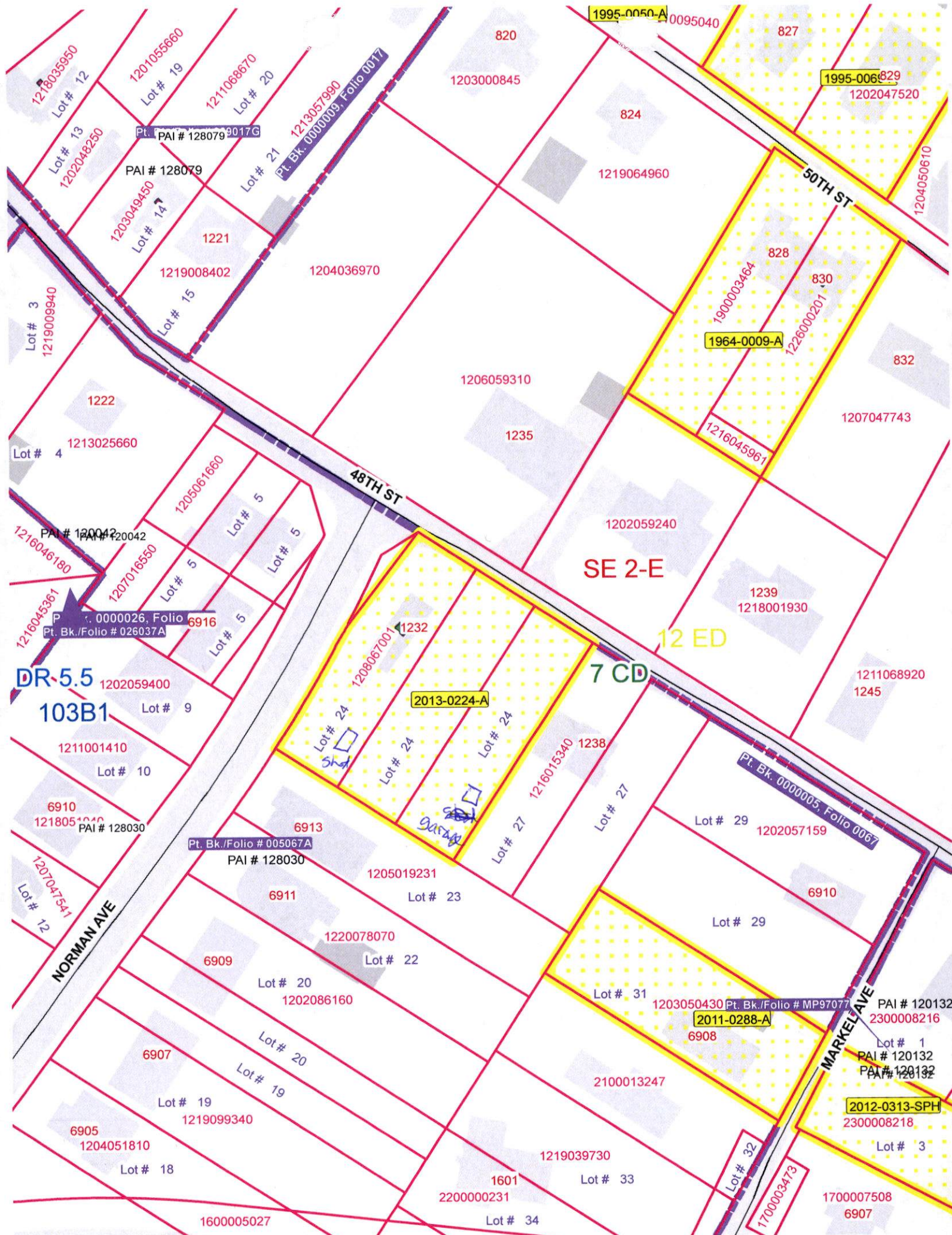
Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1208067001			
Owner Information					
Owner Name:	HOFSTETTER CARROLL E JR		Use:	RESIDENTIAL	
Mailing Address:	1232 48TH ST BALTIMORE MD 21222-1224		Principal Residence:	YES	
			Deed Reference:	/15869/ 00465	
Location & Structure Information					
Premises Address:	1232 48TH ST 0-0000		Legal Description:	LT 24,25,26 1232 48TH ST MILLERS PLAT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0005/0067
0103	0003	0024		0000	24 2015
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1931	1,512 SF			22,815 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	ASBESTOS SHINGLE	1 full/ 1 half	1 Detached
Value Information					
	Base Value		Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:	65,900		65,900		
Improvements:	68,000		87,500		
Total:	133,900		153,400	146,900	153,400
Preferential Land:	0				0
Transfer Information					
Seller: FILA MARY ANN/LARRY V, JR		Date: 12/18/2001		Price: \$90,000	
Type: ARMS LENGTH IMPROVED		Deed1: /15869/ 00465		Deed2:	
Seller: HOLOMAN JULIA HOLOMAN ALBERT		Date: 12/10/1996		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /11933/ 00340		Deed2:	
Seller: HOLOMAN MARY		Date: 09/09/1981		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /04261/ 00557		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 08/04/2014					





Pt. PAI # 128079 9017G

PAI # 128079

Pt. Bk. 000009, Folio 0017

1995-0050-A 0095040

1995-0068-29 1202047520

1964-0009-A

2013-0224-A

2011-0288-A

2012-0313-SPH 2300008218

DR-5.5
103B1

SE 2-E

12 ED

7 CD

Pt. Bk./Folio # 005067A
PAI # 128030

Pt. Bk. 0000005, Folio 0067

Pt. Bk./Folio # MP97077
PAI # 120132 2300008216

PAI # 120132
PAI # 120132

NORMAN AVE

MARKEL AVE

48TH ST

50TH ST

CC 1610070



ASA 302136 - 4509