

MEMORANDUM

DATE: December 18, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0062-A – Appeal Period Expired

The appeal period for the above-referenced case expired on December 15, 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

(2306 Martin Drive)
15th Election District
7th Council District
Gary Hofmeister
Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0062-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Gary Hofmeister, the legal owner of the subject property ("Petitioner"). The Petition seeks variance relief from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard in the third of the lot farthest removed from any street. A site plan was marked as Petitioner's Exhibit 1.

Property owner Gary Hofmeister appeared in support of the petition. There were no Protestants or interested citizens in attendance. 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 Environmental Protection and Sustainability (DEPS), indicating Petitioner must comply with critical area regulations.

The site is approximately 14,384 sq. ft. in size and zoned DR 3.5. The property is improved with a single-family dwelling constructed in 1956. Petitioner's home and personal property suffered extensive damage in Hurricane Isabel. Shortly thereafter Petitioner constructed a small (10' x 6') shed in the front of his house. Petitioner chose the front yard location--which is a significant distance from Hogpen Creek--so he can safely store lawn equipment and other items

ORDER RECEIVED FOR FILING

Date

11/15/17

By

Sen

without fear of flood damage. Mr. Hofmeister noted many of his neighbors also have sheds in their front yard.

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.

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

Petitioner's lot is pie-shaped and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to retain the shed. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this 15th day of **November, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard in the third of the lot farthest removed from any street, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permit(s) upon receipt of this Order, assuming a permit is in fact required. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with critical area regulations

ORDER RECEIVED FOR FILING

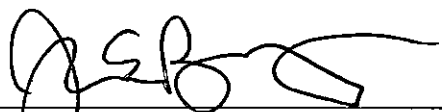
Date

11/15/17

By

Sen

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 11/15/17
By slh



CBCA

PETITION FOR ZONING HEARING(S)

Flood

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 2306 Martin Dr. Balt MD 21221 which is presently zoned DR 3.5
 Deed References: 13863 / 530 10 Digit Tax Account # 1515640561
 Property Owner(s) Printed Name(s) GARY Hofmeister

(SELECT THE HEARING(S) BY MARKING X 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) 400.1 0-22

To permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard in the third of the lot farthest removed from any street.

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)

to be presented

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):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2018-0002-A Filing Date 8/23/17

Do Not Schedule Dates: _____

Reviewer JF

2383 MARTIN DR.

1ST E.O. 7-C 143845

BEGINNING FOR THE SAME AT THE CORNER FORMED BY THE INTERSECTION OF THE WEST SIDE OF BAUERNSCHMIDT DRIVE, 40 FEET WIDE, WITH THE SOUTHWEST SIDE OF MARTIN DRIVE, 20 FEET WIDE, AS LAID OUT ON THE PLAT OF BAUERNACHMIDT MANOR, WHICH PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK C.W.B. JR. NO. 12, FOLIO 81, AND RUNNING THENCE, BINDING ON THE WEST SIDE OF BAUERNSCHMIDT DRIVE, SOUTH 17 DEGREES 23 MINUTES WEST 45.28 FEET AND SOUTH 06 DEGREES 17 MINUTES WEST 4.72 FEET, THENCE LEAVING BAUERNSCHMIDT DRIVE AND RUNNING NORTH 48 DEGREES 06 MINUTES WEST 237.18 FEET TO THE WATERS OF HOG PEN CREEK, THENCE RUNNING AND BINDING ON SAID CREEK, NORTH 43 DEGREES 25 MINUTES EAST 75 FEET, THENCE LEAVING SAID CREEK, AND RUNNING THENCE SOUTH 70 DEGREES 27 MINUTES EAST 54.04 FEET TO THE SOUTHWEST SIDE OF MARTIN DRIVE, AND THENCE RUNNING AND BINDING ON THE SOUTHWEST SIDE OF MARTIN DRIVE, SOUTH 32 DEGREES 45 MINUTES EAST 174.65 FEET TO THE PLACE OF BEGINNING. BEING PARTS OF LOTS NOS. 124 AND 125, BLOCK G, ON THE PLAT OF BAUERNSCHMIDT MANOR, RECORDED AS AFORESAID. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 2306 MARTIN DRIVE. TAX ACCOUNT NO. 1515640561.

BEING THE SAME PROPERTY WHICH BY DEED DATED MARCH 31, 1975 AND RECORDED OR INTENDED TO BE RECORDED PRIOR HERETO AMONG THE LAND RECORDS OF BALTIMORE COUNTY WAS GRANTED AND CONVEYED BY WILLIAM C. EAKER TO GRANT W. ORTEL AND MARY A. ORTEL, NOW DECEASED.



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 5258865

Sold To:

Gary Hofmeister - CU00618382
2306 Martin Dr
Essex, MD 21221-1726

Bill To:

Gary Hofmeister - CU00618382
2306 Martin Dr
Essex, MD 21221-1726

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

Oct 24, 2017

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: # 2018-0062-A
2306 Martin Drive
SW corner of Martin Drive and Bauernschmidt Drive
15th Election District - 7th Councilmanic District
Legal Owner(s) Gary Hofmeister

Variance to permit an existing structure (shed) to be located in the front yard in lieu of the required rear yard in the third of the lot farthest removed from any street.

Hearing: Monday, November 13, 2017 at 11:00 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.

JT 10-760 October 24 5258865

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

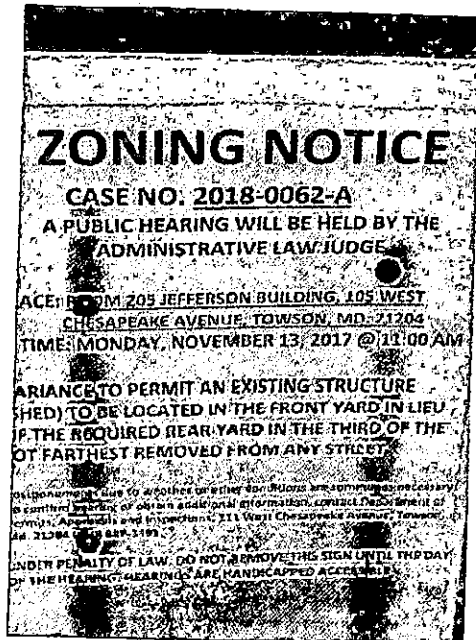
CERTIFICATE OF POSTING

Date: OCTOBER 23, 2017

RE: Project Name: 2306 MARTIN DRIVE
Case Number /PAI Number: 2018-0062-A
Petitioner/Developer: GARY HOFMEISTER
Date of Hearing/Closing: NOVEMBER 13, 2017

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 2306 MARTIN DRIVE

The sign(s) were posted on OCTOBER 23, 2017
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 24, 2017 Issue - Jeffersonian

Please forward billing to:
Gary Hofmeister
2306 Martin Drive
Baltimore, MD 21221

410-627-1000

NOTICE OF ZONING HEARING

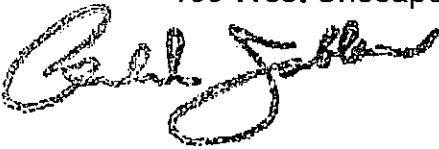
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0062-A

2306 Martin Drive
SW corner of Martin Drive and Bauernschmidt Drive
15th Election District – 7th Councilmanic District
Legal Owners: Gary Hofmeister

Variance to permit an existing structure (shed) to be located in the front yard in lieu of the required rear yard in the third of the lot farthest removed from any street.

Hearing: Monday, November 13, 2017 at 11:00 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.



KEVIN KAMENETZ
County Executive

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

October 16, 2017

NEW 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: 2018-0062-A

2306 Martin Drive
SW corner of Martin Drive and Bauernschmidt Drive
15th Election District – 7th Councilmanic District
Legal Owners: Gary Hofmeister

Variance to permit an existing structure (shed) to be located in the front yard in lieu of the required rear yard in the third of the lot farthest removed from any street.

Hearing: Monday, November 13, 2017 at 11:00 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: Gary Hofmeister, 2306 Martin Drive, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 24, 2017.**
- (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.



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 5181056

Sold To:

Gary Hofmeister - CU00618382
2306 Martin Dr
Essex, MD 21221-1726

Bill To:

Gary Hofmeister - CU00618382
2306 Martin Dr
Essex, MD 21221-1726

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

Sep 14, 2017

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: # 2018-0062-A
2306 Martin Drive
SW corner of Martin Drive and Bauernschmidt Drive
15th Election District - 7th Councilmanic District
Legal Owner(s) Gary Hofmeister

Variance: to permit an existing structure (shed) to be located in the front yard in lieu of the required rear yard in the third of the lot farthest removed from any street.

Hearing: Thursday, October 5, 2017 at 11:00 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.

9/045 September 14

5181056

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising



KEVIN KAMENETZ
County Executive

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

September 6, 2017

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: 2018-0062-A

2306 Martin Drive

SW corner of Martin Drive and Bauernschmidt Drive

15th Election District – 7th Councilmanic District

Legal Owners: Gary Hofmeister

Variance to permit an existing structure (shed) to be located in the front yard in lieu of the required rear yard in the third of the lot farthest removed from any street.

Hearing: Thursday, October 5, 2017 at 11:00 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: Gary Hofmeister, 2306 Martin Drive, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 15, 2017.**
- (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.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 14, 2017 Issue - Jeffersonian

Please forward billing to:
Gary Hofmeister
2306 Martin Drive
Baltimore, MD 21221

410-627-1000

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: 2018-0062-A

2306 Martin Drive
SW corner of Martin Drive and Bauernschmidt Drive
15th Election District – 7th Councilmanic District
Legal Owners: Gary Hofmeister

Variance to permit an existing structure (shed) to be located in the front yard in lieu of the required rear yard in the third of the lot farthest removed from any street.

Hearing: Thursday, October 5, 2017 at 11:00 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 * BEFORE THE OFFICE
2306 Martin Drive; SW corner of Martin Drive * OF ADMINISTRATIVE
and Bauernschmidt Drive * HEARINGS FOR
15th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Gary Hofmeister *
Petitioner(s) *
2018-062-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.

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

RECEIVED

AUG 28 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of August, 2017, a copy of the foregoing Entry of Appearance was mailed to Cary Hofmeister, 2306 Martin Drive, Baltimore, Maryland 21221, 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/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 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: 2018-0062-A

Property Address: 2306 Martiw Dr. Balto MD 21221

Property Description: _____

Legal Owners (Petitioners): GARY Hofmeister

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: GARY Hofmeister

Company/Firm (if applicable): _____

Address: 2306 Martiw Dr.
Balto MD 21221

Telephone Number: 410 627-1000

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

NO 157179

Date: 8/23/17

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

Total: 75.00

Rec. From: Gary Hofmeister

For: 2306 Martin Dr.

Petition for Variance

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 8/23/2017 8/23/2017 10:12:50 3
 REG 1503 - WALKIN CASH
 >>RECEIPT # 737936 8/23/2017 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 157179
 Recpt Tot 75.00
 \$75.00 CR \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: August 30, 2017

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

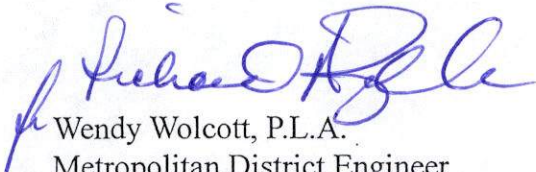
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number 20100062A 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. 20100062A

Variance
Gary Holmeister
2306 Martin Drive

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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

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: September 5, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0062-A
Address 2306 Martin Drive
(Hofmeister Property)

Zoning Advisory Committee Meeting of September 4, 2017.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The proposed development must meet LDA and MBA requirements for lot coverage. Based on the plan, the property area above mean high water is less than half an acre so the maximum Critical Area defined lot coverage allowance for this property is 31.25% with mitigation for any new amount over 25%. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality. Critical Area Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property located on Hogpen Creek with the required Critical Area buffer covering more than half of the property. The proposed setback relief would allow the applicant to meet the MBA requirements for location of the shed and for minimization of buffer impacts. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation

requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

If the construction of the shed can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: September 5, 2017

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 9/25/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-062

INFORMATION:

Property Address: 2306 Martin Drive
Petitioner: Gary Hofmeister
Zoning: DR 3.5
Requested Action: Variance

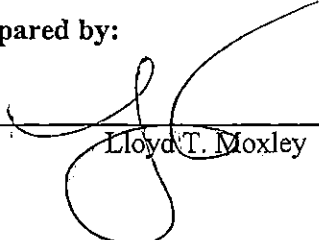
The Department of Planning has reviewed the petition for variance to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard in the third of the lot farthest removed from any street.

A site visit was conducted on September 5, 2017. There are multiple code violations on the site (case# CC1708321), one of which is for the location of the shed near the roadway.

The Department has no objections granting the petitioned zoning relief conditioned upon the successful resolution of any pending code violation case.

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

Prepared by:



Lloyd T. Moxley

AVA/KS/LTM/ka

Division Chief:



Kathy Schlabach

c: Krystle Patchak
Gary Hofmeister
Office of the Administrative Hearings
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

November 8, 2017

Gary Hofmeister
2306 Martin Drive
Baltimore MD 21221

RE: Case Number: 2018-0062 A, Address: 2306 Martin Drive

Dear Mr. Hofmeister:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 23, 2017. 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 7, 2017

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 4, 2017
Item No. 2018- 0060-A, 0062-A, 0064-A and 0065-SPH

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

* * * * *

VKD: CEN
cc: file

10-5

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: 9/25/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-062

INFORMATION:

Property Address: 2306 Martin Drive
Petitioner: Gary Hofmeister
Zoning: DR 3.5
Requested Action: Variance

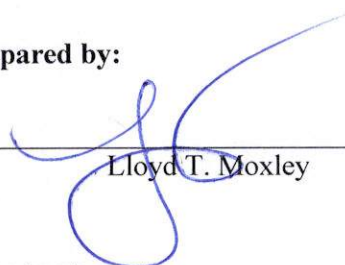
The Department of Planning has reviewed the petition for variance to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard in the third of the lot farthest removed from any street.

A site visit was conducted on September 5, 2017. There are multiple code violations on the site (case# CC1708321), one of which is for the location of the shed near the roadway.

The Department has no objections granting the petitioned zoning relief conditioned upon the successful resolution of any pending code violation case.

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
Gary Hofmeister
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: September 5, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0062-A
Address 2306 Martin Drive
(Hofmeister Property)

Zoning Advisory Committee Meeting of **September 4, 2017.**

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The proposed development must meet LDA and MBA requirements for lot coverage. Based on the plan, the property area above mean high water is less than half an acre so the maximum Critical Area defined lot coverage allowance for this property is 31.25% with mitigation for any new amount over 25%. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality. Critical Area Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property located on Hogpen Creek with the required Critical Area buffer covering more than half of the property. The proposed setback relief would allow the applicant to meet the MBA requirements for location of the shed and for minimization of buffer impacts. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation

requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

If the construction of the shed can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: September 5, 2017

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment9/7DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)no comment9/16DEPS
(if not received, date e-mail sent _____)comment9/25FIRE DEPARTMENT
PLANNING
(if not received, date e-mail sent _____)no obj
w/ condition

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. CC 1708321)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

10/24/17

SIGN POSTING

Date:

10/23/17by Buelingsley

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

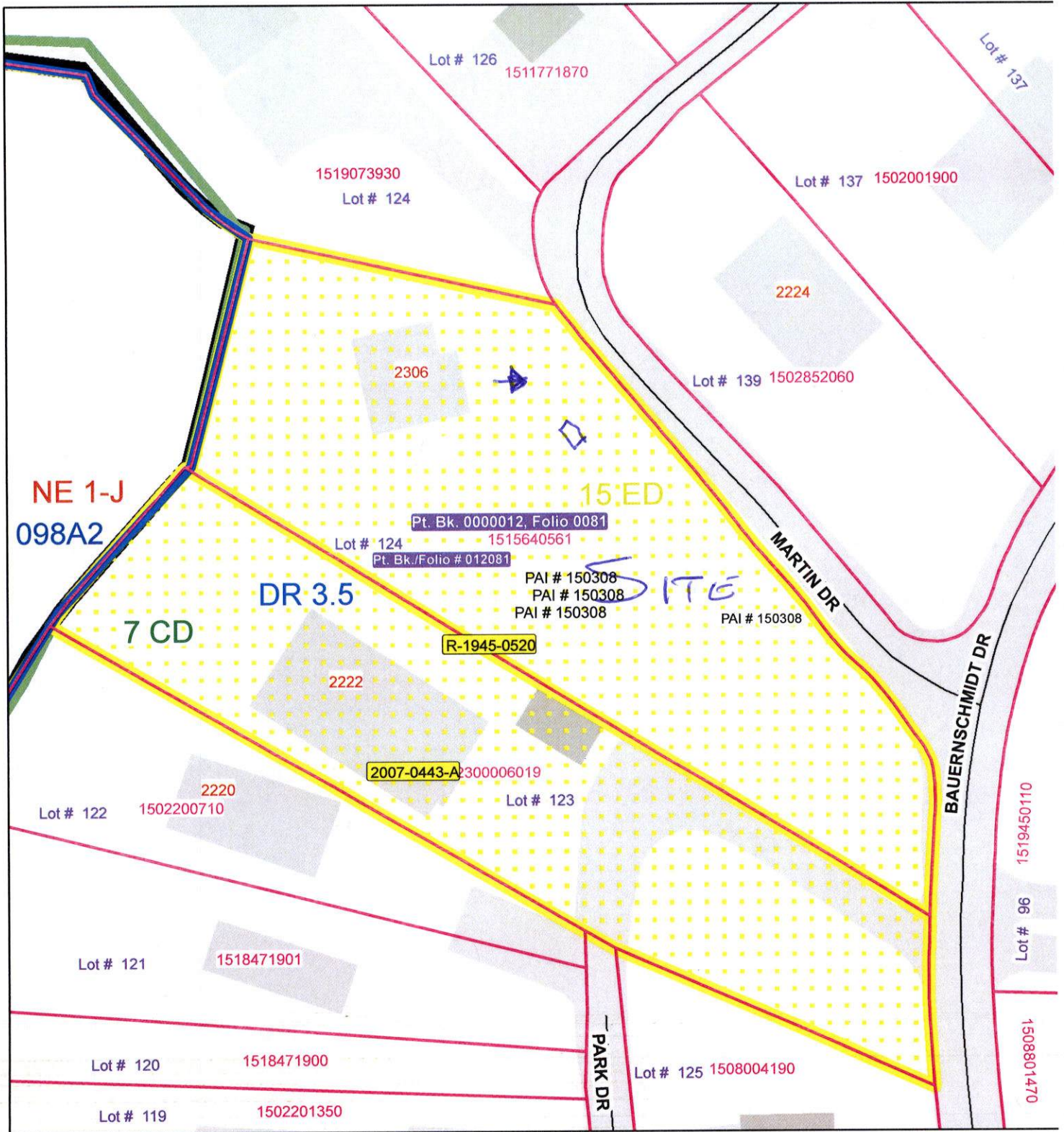
View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 15 Account Number - 1515640561							
Owner Information									
Owner Name:		HOFMEISTER GARY M				Use:		RESIDENTIAL	
						Principal Residence:		YES	
Mailing Address:		2306 MARTIN DR BALTIMORE MD 21221-1726				Deed Reference:		/13863/ 00530	
Location & Structure Information									
Premises Address:		2306 MARTIN DR 0-0000 Waterfront				Legal Description:		PT LT 124,125 2306 MARTIN DR BAUERNSCHMIDT MANOR	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0098	0008	0035		0000	G		124	2018	Plat Ref: 0012/0081
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1956		750 SF				14,384 SF		34	
Stories	Basement	Type	Exterior		Full/Half Bath	Garage	Last Major Renovation		
1 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE		1 full				
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2015		07/01/2017		07/01/2018	
Land:		262,500		262,500					
Improvements		60,400		60,400					
Total:		322,900		322,900		322,900			
Preferential Land:		0							
Transfer Information									
Seller: ORTEL GRANT W				Date: 06/28/1999			Price: \$167,000		
Type: ARMS LENGTH IMPROVED				Deed1: /13863/ 00530			Deed2:		
Seller: ORTEL WALTER E				Date: 04/01/1975			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /05517/ 00744			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00		0.00			
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					
Homestead Application Information									
Homestead Application Status: Approved 12/31/2012									

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration			
Account Identifier:			District - 15 Account Number - 1515640561						
Owner Information									
Owner Name:		HOFMEISTER GARY M			Use:		RESIDENTIAL		
Mailing Address:		2306 MARTIN DR BALTIMORE MD 21221-1726			Principal Residence:		YES		
					Deed Reference:		/13863/ 00530		
Location & Structure Information									
Premises Address:		2306 MARTIN DR 0-0000 Waterfront			Legal Description:		PT LT 124,125 2306 MARTIN DR BAUERNSCHMIDT MANOR		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0098	0008	0035		0000	G		124	2018	Plat Ref: 0012/0081
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1956		750 SF				14,384 SF		34	
Stories	Basement	Type	Exterior		Full/Half Bath		Garage	Last Major Renovation	
1 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE		1 full				
Value Information									
			Base Value		Value		Phase-in Assessments		
					As of 01/01/2015		As of 07/01/2017		As of 07/01/2018
Land:			262,500		262,500				
Improvements			60,400		60,400				
Total:			322,900		322,900		322,900		
Preferential Land:			0						
Transfer Information									
Seller: ORTEL GRANT W				Date: 06/28/1999			Price: \$167,000		
Type: ARMS LENGTH IMPROVED				Deed1: /13863/ 00530			Deed2:		
Seller: ORTEL WALTER E				Date: 04/01/1975			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /05517/ 00744			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00		0.00			
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					
Homestead Application Information									
Homestead Application Status: Approved 12/31/2012									

2306 Martin Drive



Publication Date: 8/23/2017



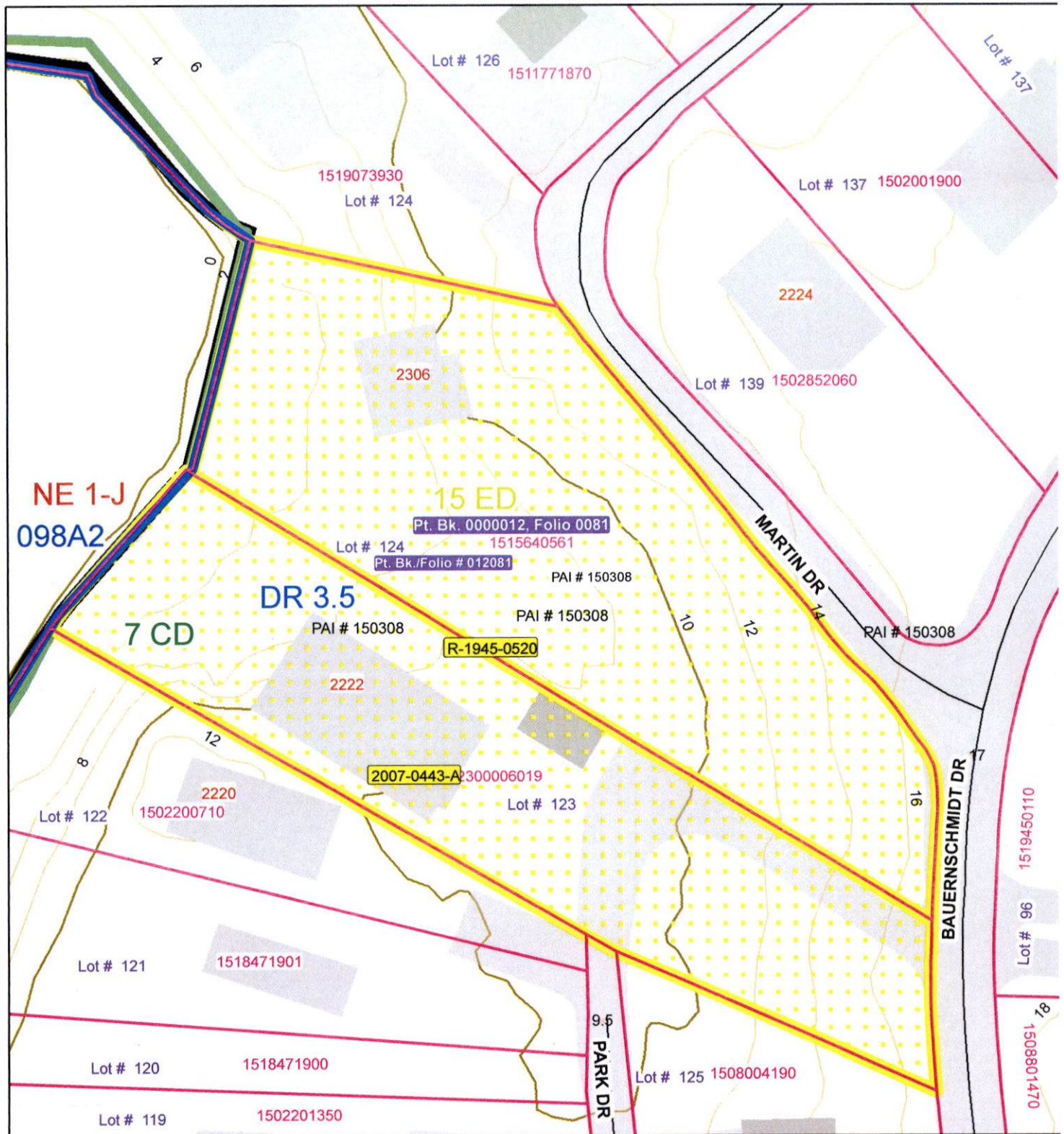
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



A horizontal scale bar with markings at 0, 10, 20, 40, 60, and 80 feet. The bar is black with white markings and numbers. The word "Feet" is written at the right end.

1 inch = 40 feet

Elevations



Publication Date: 8/23/2017



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

098A2
NE 1-J

DR 3.5

7-CD

R-1945-0520

2007-0443-A

2300006019

Martin State Airport Restriction

PARK DR

MARTIN DR

BAUERNSCHMIDT DR

Pt. Bk./Folio # 012081

Back River Neck District

PAI # 150308

Bowleys Quarters-Back River Neck Area

Lot # 96

Pt. Bk. 0000012, Folio 0081

222 PAI # 150308

PAI # 150308

PAI # 150308

Lot # 95

1508801470

Lot # 94

1508550420

Lot # 93

1518470400

Lot # 91

2213

Lot # 91

1511670780

Lot # 112

0001696

Pt. Bk./Folio # 049076

Pt. Bk. 0000007, Folio 0076

1982-0111-A

2002-0347-A

2500001697

2002-0346-A

1997-0380-A

4-0293-A

3570241

1502370090

1511470020

Lot # 127

1502001910

Lot # 126

1511771870

2308

Lot # 124

1519073930

Lot # 135

1506570240

Lot # 136

1502370091

2012-0205-A

Lot # 137

1502001900

2224

Lot # 139

1502852060

2306

Lot # 124

1515640561

2222

Lot # 122

1502200710

Lot # 121

1518471901

Lot # 120

1518471900

Lot # 119

2216

Lot # 119

1502201350

Lot # 118

1502002890

Lot # 117

1523002520

Lot # 116

1501130000

Lot # 115

1513205720

Lot # 114

1510002800

1511152300

Lot # 134

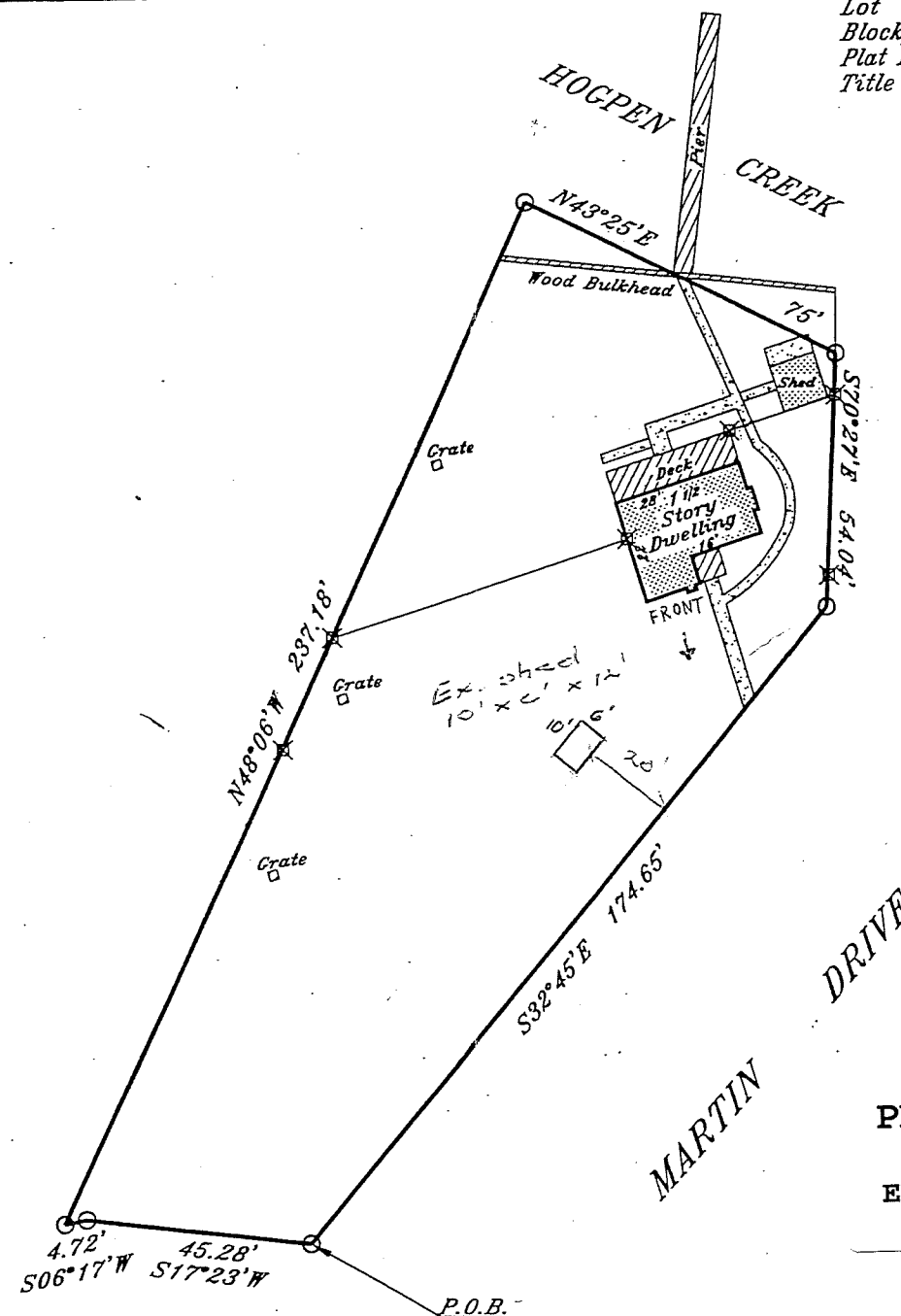
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 2306 Martin Dr. OWNER(S) NAME(S) GARY Hofmeister

SUBDIVISION NAME Bauernschmidt Manor LOT # 24 & 25 BLOCK # G SECTION # G

PLAT BOOK # 12 FOLIO # 81 10 DIGIT TAX # 1515640461 DEED REF. # 13863100530

Lot Number: Part of Lot 24 & 25
Block/Section: G
Plat Reference: Book: 12 Page: 81
Title of Plat: Bauernschmidt Manor



PETITIONER'S

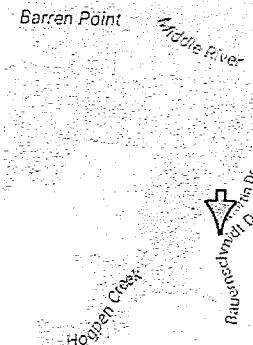
EXHIBIT NO. 1

PLAN DRAWN BY _____

BAUERNSCHMIDT DRIVE

1" = 40'

Property lies in Flood Zone
A, B and C



MAP IS NOT TO SCALE

ZONING MAP# 098A2

SITE ZONED DR 3.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE _____

OR SQUARE FEET 14,384

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? YES

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

R-1945-0520

VIOLATION CASE INFO:

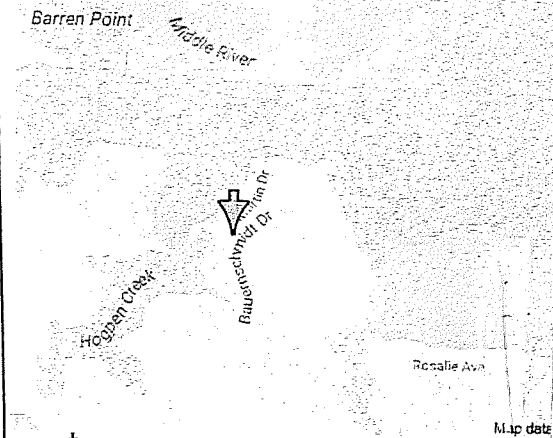
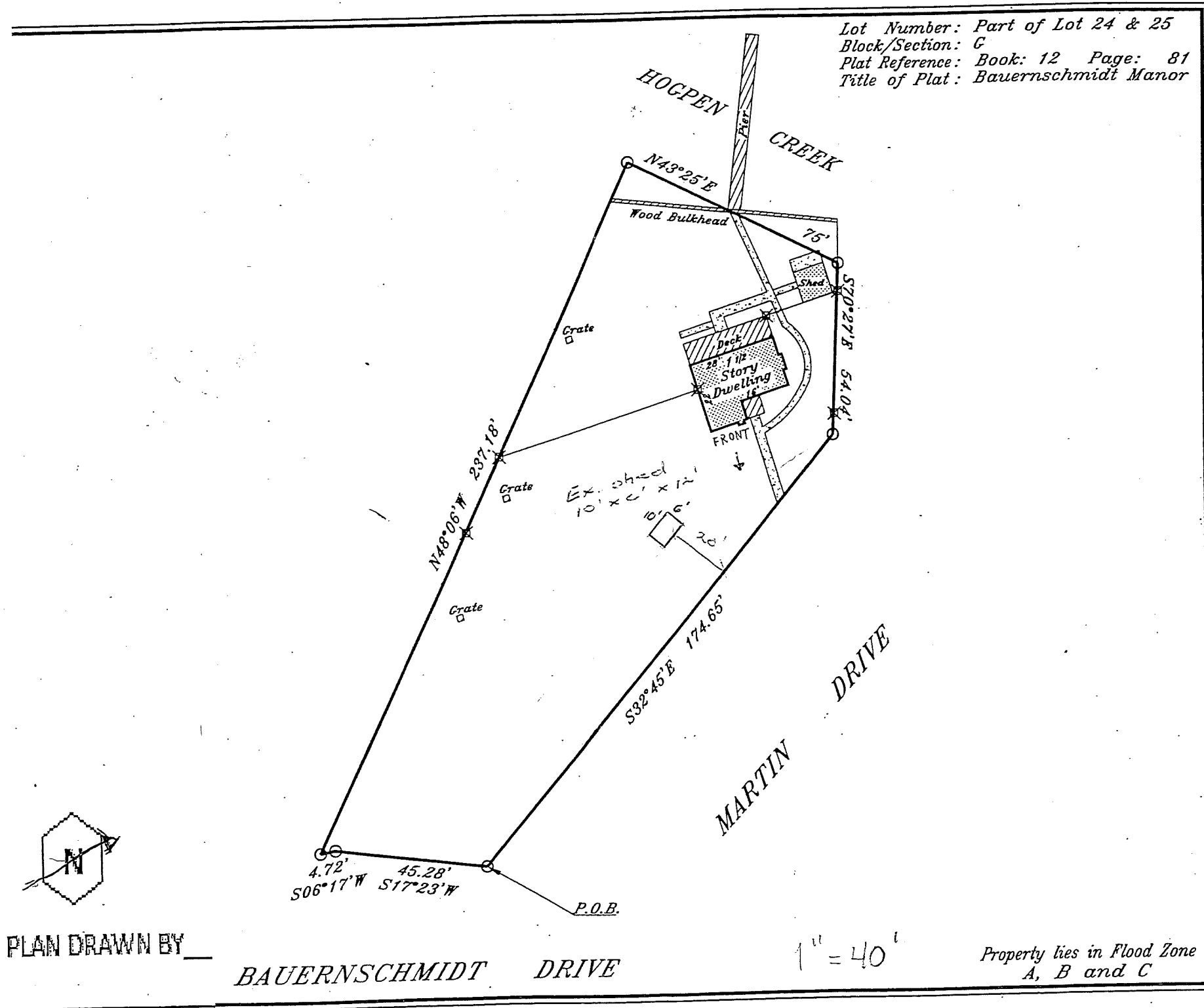
CC1708321

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

ADDRESS 2306 Martin Dr. OWNER(S) NAME(S) GARY Hofmeister

SUBDIVISION NAME Bauernschmidt Manor LOT # 24 & 25 BLOCK # G SECTION # G

PLAT BOOK # 12 FOLIO # 81 10 DIGIT TAX # 1515640461 DEED REF. # 13863/00530



MAP IS NOT TO SCALE

ZONING MAP# 098A2

SITE ZONED DR 3.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE _____

OR SQUARE FEET 14,384

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? YES

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

R-1945-0520

VIOLATION CASE INFO:

CC1708321