

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**

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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

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.

Signed
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz