

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
SW corner of Wishal Drive and		
Bennerton Drive	*	OFFICE OF
14 th Election District		
6 th Councilmanic District	*	ADMINISTRATIVE HEARINGS
(4557 Bennerton Drive)		
	*	FOR BALTIMORE COUNTY
Douglas and Darlene C. Ford		
<i>Petitioners</i>	*	Case No. 2011-0260-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Douglas and Darlene C. Ford for property located at 4557 Bennerton Drive. Resolution 21-11 concerning the public disclosure of Darlene C. Ford, an employee of the Baltimore County Board of Education, was approved at the County Council meeting held on February 22, 2011. The variance request is from Section 1B02.3.B (1952 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a family room and deck addition with a rear setback of 5 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to add a 10 feet x 24 feet room off of the kitchen with a 10 feet x 30 feet deck next to it. There is an existing patio with an awning; this awning would be removed with the new deck replacing the awning. The existing dwelling was constructed in 1956 and placed far back on the corner lot. Petitioners anticipate extended family members moving in with them.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 13, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 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 Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 1st day of April, 2011 that a variance from Section 1B02.3.B (1952 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a family room and deck addition with a rear setback of 5 feet in lieu of the required 15 feet be and is hereby GRANTED, subject to the following:

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

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