

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
W Side of Providence Road, 182' NE of		
Dogwood Hill Road	*	OFFICE OF
9 th Election District		
3 rd Councilmanic District	*	ADMINISTRATIVE HEARINGS
(1702 Providence Road)	*	FOR BALTIMORE COUNTY
Stephen J. Sortino, <i>Legal Owner</i>	*	CASE NO. 2011-0261-A
Paul Sortino, <i>Contract Lessee</i>		
<i>Petitioners</i>		

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by the legal owner of the subject property, Stephen J. Sortino, and Paul Sortino, Lessee, Petitioners. Petitioners are requesting Variance relief from Sections 1B02.3.C.1 and 308.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition on an existing dwelling with a front street setback of 26 feet in lieu of the required average setback of 50 feet, and to allow a minimum side yard setback of 10 feet and a sum of side yards of 28 feet in lieu of the required 15 feet and 40 feet, respectively. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

Appearing at the public hearing in support of the variance request were Mr. and Mrs. Stephen J. Sortino and their son, Paul Sortino. Appearing in opposition to the Petitioners’ request were Yolanda Eriksen and Emily Lewis, adjacent property owners residing at 1700 Providence Road. The two adjacent property owners have resided at 1700 Providence Road for the past 45 years. Also attending on their behalf was their niece, whose name does not appear on the Citizen’s Sign-In Sheet.

Testimony and evidence revealed that the property which is the subject of this variance request consists of 0.5162 acre more or less and is zoned DR 2. The subject property is located on

the west side of Providence Road in the Loch Raven Reservoir area of Baltimore County. The property is improved with an existing single family dwelling known as 1702 Providence Road. The property is served by private well and septic.

Appearing on behalf of the variance request was Mr. Paul Sortino. Mr. Sortino resides in the subject dwelling and is desirous of constructing a rather large two story addition on the south side of the existing dwelling. Residing to the north of the subject property are Mr. Paul Sortino's parents, Mr. and Mrs. Stephen Sortino. The Sortinos have resided on this property since 1978. Testimony revealed that Mr. Stephen Sortino purchased the subject property in 2002 and rents the dwelling to his son, Paul Sortino. Paul Sortino is interested in adding onto the dwelling in hopes of getting married and having children and residing on the subject property.

Mr. Sortino submitted into evidence Petitioners' Exhibit 1, site plan of the property showing the improvements on the lot as well as Petitioners' Exhibit 2 and 3 which were renderings of the addition he intends to construct onto this existing dwelling. It should be noted that the lot upon which this two story addition is proposed is very narrow and limited in size. This proposed addition will basically double the size of the dwelling once completed. Mr. Paul Sortino is interested in remaining within the dwelling and living next to and caring for his mother and father in the future years.

As stated previously, Ms. Yolanda Eriksen and Ms. Emily Lewis appeared in opposition to the Petitioners' requested. These ladies are sisters and have resided on the subject property for the past 45 years. They are opposed to the construction of the two story addition onto this existing dwelling. They are concerned over the blockage of their sight lines as they pull in and out of their property. They are also concerned that the Applicant will not have enough room to negotiate a vehicle into the garage on the subject property given the narrowness of the lot. They are opposed to the variance and request denial of same.

After considering all the testimony and evidence offered by the Applicant as well as the Protestants, I find that the Petitioners' request for variance should be denied. The Applicant has failed to adequately demonstrate practical difficulty or undue hardship for this request. The property is better served with the smaller existing single family dwelling which exists on the property at this time. This rather large two story addition will, in the opinion of this Administrative Law Judge, overburden this property and cause adverse impacts on the adjacent property owners. Accordingly, the variance request shall be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' variance request should be denied.

THEREFORE, IT IS ORDERED this 27 day of April, 2011, by this Administrative Law Judge that Petitioners' Variance from Sections 1B02.3.C.1 and 308.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition on an existing dwelling with a front street setback of 26 feet in lieu of the required average setback of 50 feet, and to allow a minimum side yard setback of 10 feet and a sum of side yards of 28 feet in lieu of the required 15 feet and 40 feet, respectively, be and is hereby DENIED.

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