

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Lukewood Drive, NW corner
of Wilmont Drive
2nd Election District
4th Councilmanic District
(2212 Lukewood Drive)

Kenneth M. and Darlene Y. Morrison
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0273-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, Kenneth M. and Darlene Y. Morrison for property located at 2212 Lukewood Drive. The variance request is from Section 1B02.3.A.1 (211.4 1955 B.C.Z.R. R-6) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition (sunroom) with a 5 feet rear setback in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct a sunroom measuring 10 feet x 19 feet. The proposed sunroom will be constructed on the existing deck. The location of the proposed sunroom lends itself to the utilization of existing facilities without major interruptions to the existing floor plan of the house. This proposed sunroom will help insulate and reduce heating bills as well as to reduce road and other ambient noises. The sunroom will provide a place to sit outdoors without concern for bugs or the sun’s harmful rays. Petitioners state the proposed sunroom will improve the overall appearance of the house. The lot size does not lend itself to any addition of adequate size without a variance. Petitioners’ property is a corner lot and the dwelling was placed at an angle to Lukewood Drive. An aerial photograph shows that only one other dwelling in the entire

neighborhood was situated in a similar fashion; that house is located across the street from the Petitioners' home.

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 27, 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 19 day of April, 2011 that a variance from Section 1B02.3.A.1 (211.4 1955 B.C.Z.R. R-6) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition (sunroom) with a 5 feet rear setback in lieu of the required 30 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