

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N side of Glyndon Meadow Road, 500 feet		
S of the c/l of Hedgepocket Way	*	OFFICE OF
4 th Election District		
2 nd Councilmanic District	*	ADMINISTRATIVE HEARINGS
(209 Glydon Meadow Road)	*	FOR BALTIMORE COUNTY
Kevin C. Keller and Lauren B. Kallins	*	Case No. 2011-0211-A
<i>Petitioners</i>		

* * * * *

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, Kevin C. Keller and Lauren B. Kallins for property located at 209 Glydon Meadow Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to allow a setback from a lot line of 11.1 feet in lieu of the 50 feet required, and to amend the 2nd Amended Final Development Plan of Glyndon Meadows for Lot 9 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct a new garage attached to the left side of the existing dwelling. The septic reserve area is located in front of the center of the house and front lawn. The well area is in the back of the home and the topography there is not conducive to any construction. There is substantial landscaping (flagstone patio, fish pond, shrubs, and trees) on the right side of the dwelling that would be have to be removed. The property contains 6.25 acres and is served by private water and sewer.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated February 1, 2011, which indicates that they do not oppose the request provided that elevations are submitted for review and approval prior to the application of building permit.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 23, 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 16th day of February, 2011 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to allow a setback from a lot line of 11.1 feet in lieu of the 50 feet required, and to amend the 2nd Amended Final Development Plan of Glyndon Meadows for Lot 9 only Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to allow a setback from a lot line of 11.1 feet in lieu of the 50 feet required, and to amend the 2nd Amended Final Development Plan of Glyndon Meadows for Lot 9 only 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.
2. Elevation drawings shall be submitted to the Office of Planning for review and approval prior to the application of building permit.

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