

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Georgia Belle Drive, 25 feet W
of c/l of Tgeorgia Bell Court
11th Election District
5th Councilmanic District
(9309 Georgia Belle Drive)

Douglas C. and Joyce E. Lauenstein
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0230-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 C. and Joyce E. Lauenstein for property located at 9309 Georgia Belle Drive. The variance request is from Section 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed open projection (screened-in-porch) to have a rear yard setback of 21.5 feet in lieu of the required 37.5 feet, and to amend the Final Development Plan for Forge Landing, Phase II, Lot 39 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct a covered screen porch measuring 16 feet x 19 feet. The proposed screen porch will provide a level and useful living area on a sloping back yard. Access to the porch will be through the existing French doors. An 8 feet wide screen porch would not be useful, practical or cost effective for the Petitioners. The proposed addition would encroach 16 feet into the setback. The file contains letters of support from neighbors residing at 9307 Georgia Bell Drive, 9311 Georgia Bell Drive, and 4 Georgia Bell Court. The property is an irregular shaped corner lot.

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 16,

2011, which indicate they do not oppose the request provided the open projection is screened with vegetation along the southern property line from view by the neighboring property.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 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 9th day of March, 2011 that a variance from Section 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed open projection (screened-in-porch) to have a rear yard setback of 21.5 feet in lieu of the required 37.5 feet, and to amend the Final Development Plan for Forge Landing, Phase II, Lot 39 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. The open projection screen porch shall be screened with vegetation along the southern property line.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed
LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz