

IN RE: PETITIONS FOR VARIANCE	*	BEFORE THE
S side of Belfast Road, 270' and 220' W of		
Vista Lane	*	OFFICE OF ADMINISTRATIVE
8 th Election District		
3 rd Councilmanic District	*	HEARINGS FOR
(37 & 39 Belfast Road)		
	*	BALTIMORE COUNTY
Estate of Helen Johnson, <i>Legal Owner</i> ;		
Matthew Lidinsky, Personal Representative	*	
Gary M. Persinger/Lisa M. Piastrelli,		
<i>Contract Purchaser</i>	*	CASE NOS. 2012-0108-A &
		2012-0109-A
Petitioners	*	

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of Petitions for Variance filed by Matthew Lidinsky, Personal Representative, on behalf of the Estate of Helen Johnson, legal owner, and Gary M. Persinger and Lisa M. Piastrelli, contract purchasers, of the subject two (2) properties. Since the properties are owned by the same owner and are located adjacent to one another, the two cases were heard contemporaneously. In Case No. 2012-0108-A (Lots 47 and 48 – 37 Belfast Road), the Petitioners request variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing dwelling (with covered screen enclosure on concrete slab to be removed) with a lot width of 50 feet in lieu of the minimum required 55 feet. In Case No. 2012-0109-A (Lot 1 – 39 Belfast Road), Petitioners request similar relief. Specifically, relief is requested from B.C.Z.R. Section 1B02.3C.1 to permit a proposed building with a lot width of 50 feet in lieu of the minimum required 55 feet. The subject properties and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Jesse Hannon and Gary Persinger, contract purchaser. Also appearing was Bernadette Moskunas of Site Rite Surveying, Inc., who prepared the site plan for the properties and is assisting the Petitioners in the permitting process. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations (B.C.Z.R.).

Testimony and evidence offered revealed that the subject lots are zoned D.R.5.5 and are located at 37 and 39 Belfast Road in Baltimore County. These two properties are separately described parcels of property contained in a deed dated the 11th day of March 1967. The Petitioners property at #37 Belfast contains an old house which will be razed once this Variance is granted. The other lot, #39 Belfast Road is a vacant lot. Both lots are 50' in width and are in need of variance relief in order for new houses to be built on each lot. The construction of two new houses will be an improvement to the neighborhood. A letter of support was provided by the adjacent property owner residing at #35 Belfast Road.

Having considered the testimony and evidenced offered at the hearing, I am convinced that the requested variances should be granted.

Based on the evidence presented, I find that the variances can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). The requests will not result in any adverse impact as all other houses are constructed on lots of similar size as this development was approved when 50' lots were permissible.

For these reasons, I find that the variance requests satisfy the requirement that they be consistent with the spirit and intent of B.C.Z.R. and not result in injury to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be GRANTED.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 23rd day of December, 2011 that the Petition for Variance filed in Case No. 2012-0108-A (Lots 47 and 48 – 37 Belfast Road), seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling (with covered screen enclosure on concrete slab to be removed) with a lot width of 50 feet in lieu of the minimum required 55 feet, be and the same is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 2012-0109-A (Lot 1 – 39 Belfast Road), seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed building with a lot width of 50 feet in lieu of the minimum required 55 feet, be and the same is hereby GRANTED.

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:sma