

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
SE side of Woodvalley Drive at the		
SE corner of Harrow Court	*	OFFICE OF
3 rd Election District		
2 nd Council District	*	ADMINISTRATIVE HEARINGS
(3213 Woodvalley Drive)		
	*	FOR BALTIMORE COUNTY
Val Gorodisky		
<i>Petitioner</i>	*	CASE NO. 2012-0148A

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owner of the property, Val Gorodisky. The Petitioner is requesting Variance relief pursuant to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a garage addition with a rear yard setback of 29 feet in lieu of the required 50 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1. Petitioner desires to construct a garage attached to the dwelling. Due to the landscaping and layout of the dwelling, it would be difficult to construct the garage addition anywhere else on the property.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated January 4, 2012 which states:

“We strongly recommend that the existing driveway onto Woodvalley Drive be eliminated and that the new driveway onto Harrow Court be widened to provide parking. Our reason for this is that Woodvalley Drive is heavily traveled and removing an access point reduces the potential for accidents.”

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 24, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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, this 23rd day of January, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a garage addition with a rear yard setback of 29 feet in lieu of the required 50 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated January 4, 2012, a copy of which is attached hereto and made a part hereof.

Signed
TIMOTHY M. KOTROCO
Administrative Law Judge for
Baltimore County

TMK:pz