

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
SE side of Stags Head Road, 242 feet		
NE of the c/l of Huntsman Road	*	OFFICE OF
9 <sup>th</sup> Election District		
3 <sup>rd</sup> Councilmanic District	*	ADMINISTRATIVE HEARINGS
<b>(819 Stags Head Road)</b>		
	*	FOR BALTIMORE COUNTY
George F. Jones, III and Monica Brandes		
<i>Petitioners</i>	*	<b>Case No. 2012-0107-A</b>

\* \* \* \* \*

**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, George F. Jones, III and Monica Brandes for property located at 819 Stags Head Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a basketball court to be located in the side and front yards in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to build a basketball court measuring 30 feet x 50 feet in size. The dwelling is constructed towards the rear of the property which provides a large front yard, but small back yard. The rear yard is further constrained by the septic system and topography. The proposed basketball court would be mostly hidden behind an existing stand of trees and would be 86 feet from the road. Petitioners’ property is irregular in shape and contains 38,550 square feet.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability dated November 16, 2011 which states: “Future permits for a basketball court (or other structures) will require review by Groundwater Management.”

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 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 29 day of November, 2011 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a basketball court to be located in the side and front yards in lieu of the required rear yard, 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. Future permits for a basketball court (or other structures) will require review by Groundwater Management division of the Department of Environmental Protection and Sustainability.

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