

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E side of Homberg Avenue; 270 feet		
SE of the c/l of North Avenue	*	OFFICE OF
15 th Election District		
7 th Council District	*	ADMINISTRATIVE HEARINGS
(313 Homberg Avenue)		
	*	FOR BALTIMORE COUNTY
Terry Lee Herbert		
<i>Petitioner</i>	*	CASE NO. 2012-0119A

* * * * *

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, Terry Lee Herbert. The Petitioner is requesting Variance relief as follows:

- From Section 303.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit the front yard depth of a building to be as little as 30 feet in lieu of the required 32 feet; and
- From Section 301.1 of the B.C.Z.R. to permit a one-story open porch attached to the main residence building to extend into the required front yard 32% of the minimum required depth (22 feet front setback) in lieu of the permitted 25% (24 feet front setback); and
- From Section 1B02.3.C.1 of the B.C.Z.R. to permit a side yard setback of 5 feet in lieu of the required 10 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. The existing dwelling was constructed in 1939 and lot measures 50 feet wide x 20 feet deep. Petitioners’ dwelling is not of adequate size for the family and Petitioner desires to raze the existing dwelling and construct a new, larger home. The front of the proposed new home will match the footprint of the existing home and will

not be any nearer to the front property line than the existing home. The front porch has been redesigned and will extend into the front yard 32% of the minimum required depth. A side yard setback of 5 feet on the north side of the property will accommodate the increased width of the larger dwelling.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 6, 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 __30th__ day of November, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief as follows:

- From Section 303.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit the front yard depth of a building to be as little as 30 feet in lieu of the required 32 feet; and
- From Section 301.1 of the B.C.Z.R. to permit a one-story open porch attached to the main residence building to extend into the required front yard 32% of the minimum required depth (22 feet front setback) in lieu of the permitted 25% (24 feet front setback); and
- From Section 1B02.3.C.1 of the B.C.Z.R. to permit a side yard setback of 5 feet in lieu of the required 10 feet,

be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.

Signed
TIMOTHY M. KOTROCO
Administrative Law Judge for
Baltimore County

TMK:pz