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| IN RE: PETITION FOR ADMIN. VARIANCE | * | BEFORE THE |
| N/side of Mawani Road; 244.78' W of | | |
| Meise Drive | * | OFFICE OF ADMINISTRATIVE |
| (4724 Mawani Road) | | |
| 14 th Election District | * | HEARINGS FOR |
| 6 th Council District | | |
| | * | BALTIMORE COUNTY |
| David Scott and Patricia Ann Lee | | |
| Petitioners | * | CASE NO. 2012-0040-A |

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ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, David Scott and Patricia Ann Lee. The Petitioners are requesting Variance relief pursuant to Section 1B02.3.B (Sections III.C.3 & X.A of the 1954 Zoning Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling addition (covered/roofed carport) with a side yard setback of 3 feet and sum of side yard setbacks of 13 feet in lieu of the minimum required 7 feet and 17 feet, respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Petitioners desire to construct a carport measuring 12' x 25' in size over an existing concrete car pad. This carport will protect them from the elements. Photographs submitted with the Petition show that there are carports in the neighborhood with a similar footprint. The property contains .15 acres and is zoned DR 5.5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no other comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject

property having been posted on August 17, 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, this 19th day of September, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Administrative Variance seeking relief from Section 1B02.3.B (Section III.C.3 & X.A of the 1954 Zoning Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling addition (covered/roofed carport) with a side yard setback of 3 feet and sum of side yard setbacks of 13 feet in lieu of the minimum required 7 feet and 17 feet, respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.

Signed _____
TIMOTHY M. KOTROCO
Administrative Law Judge for
Baltimore County

TMK:dlw