

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NE/Corner of Louisiana Avenue and		
Brian Street	*	OFFICE OF ADMINISTRATIVE
(2857 Louisiana Avenue)		
13 th Election District	*	HEARINGS FOR
1 st Council District		
	*	BALTIMORE COUNTY
Earl L. Stanson, Jr. & Deborah C. Stanson		
Petitioners	*	CASE NO. 2012-0052-A

* * * * *

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, Earl L. Stanson, Jr. and Deborah C. Stanson. The Petitioners are requesting Variance relief pursuant to Sections 303.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open porch with a setback of 11 feet to front property line in lieu of the required front average of 12.6 feet. 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. The Petitioners wish to essentially connect the proposed open porch (approximately 5’ x 10’ in size) to the front existing one-story dwelling and next to the existing steps, which will either be removed or replaced. The proposed open porch will be located 11 feet from the front property line. The subject property is 10,625 square feet, zoned D.R.5.5 and is located in the Rosemont subdivision of Baltimore County.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no 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 September 4, 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 26th day of September, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Sections 303.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open porch with a setback of 11 feet to front property line in lieu of the required front average of 12.6 feet, 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.

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:dlw