

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E/S Farringdon Road, 1,900' W of c/line of		
Greenspring Road	*	OFFICE OF
3 rd Election District		
2 nd Councilmanic District	*	ADMINISTRATIVE HEARINGS
(2533 Farringdon Road)		
	*	FOR BALTIMORE COUNTY
Shmuel and Nechama Luxenburg		
<i>Petitioners</i>	*	Case No. 2013-0024-A

* * * * *

ORDER AND OPINION

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Shmuel and Nechama Luxenburg, for property located at 2533 Farringdon Road. The variance request is from Sections 1B02.3.B (R 6 – 1963 regulations), 211.3 and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), as follows:

- (1) To permit a proposed addition (second story) with a minimum side yard setback of 4' and a combination of setbacks of 16' in lieu of the required 8' and 20', and
- (2) To permit an existing open projection (porch) with a setback of 2' in lieu of the minimum allowed 6'.

The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1.

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. However, it is to be noted that the Petitioners offered a letter of support from David A. Rosenberg (2531 Farringdon Road), an adjacent neighbor, stating that he had no objection to the 2' “bump out” which will be part of the second floor addition.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 19, 2012, 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 **6th** day of September, 2012 that a Variance from Sections 1B02.3.B (R 6 – 1963 regulations), 211.3 and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), as follows:

- (1) To permit a proposed addition (second story) with a minimum side yard setback of 4' and a combination of setbacks of 16' in lieu of the required 8' and 20', and
- (2) To permit an existing open projection (porch) with a setback of 2' in lieu of the minimum allowed 6',

be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their appropriate permits 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.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed _____
LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw