

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(7527 L'Hirondelle Club Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Wendy Ann Quitasol and	*	HEARINGS FOR
Anita Boulton Quitasol		
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2014-0085-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Wendy Ann Quitasol and Anita Boulton Quitasol. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit two additions (sunroom and covered porch) onto the front and side and rear of the existing dwelling with a side yard setback of 3 ft. and a rear yard setback of 16 ft. in lieu of the required 20 ft. and 50 ft., 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Planning (DOP) dated October 18, 2013, indicating that the property is within the Ruxton Riderwood Lake Roland Design Review Panel area, all residential development in the area is to be reviewed by the Design Review Panel, and that additions to existing dwellings are also to be reviewed if they are greater than 50% of the existing square footage. In addition, DOP will need to see the existing and proposed square footage calculations to determine if the property will have to go through the Design Review Panel for review.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 9, 2013, 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 (B.C.C.). 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 31st day of October, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit two additions (sunroom and covered porch) onto the front and side and rear of the existing dwelling with a side yard setback of 3 ft. and a rear yard setback of 16 ft. in lieu of the required 20 ft. and 50 ft., respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for any 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners must comply with the ZAC comment submitted by the DOP dated October 18, 2013; a copy of which is attached hereto and made a part hereof.

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