

**IN RE: PETITION FOR ADMIN. VARIANCE**

SE side Russet Court 598.72 feet SE of  
c/l Golden Tree Lane  
15<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
**(21 Russet Court)**

Hugo and Laura Mattheiss  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0038-A**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Hugo and Laura Mattheiss for property located at 21 Russet Court. The variance request is from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (front porch) with property line setbacks as close as 2 feet in lieu of the minimum required 11.25 feet, and to amend the latest Final Development Plan for "Goldentree" Plat 1, Section 1 Lot 110 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an open covered front porch measuring 8 feet x 20 feet for much needed additional living space. Petitioners state that other lots in the immediate neighborhood are on square or rectangular lots front porches similar to the one that they propose to construct. These other properties are not constrained by being on a cul-de-sac, or having a piece shape, or having a community sidewalk adjacent to their property.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated August 25, 2008 which indicates that the proposed porch will be 2 feet from the existing public sidewalk that leads

form Russet Court to the public school to the rear of the subject property. The property on the opposite side of the sidewalk is fenced and heavily screened by landscaping to the edge of the walk. The porch will create a constricting point that will be uncomfortable to passersby and a reduction of privacy to the residents of 23 Russet Court. The Planning Office recommends setting the porch back to at least 3 feet from the property line.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 17, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

While I am mindful of the Office of Planning's comments, I am willing to grant the relief as requested. The most affected property owner at 19 Russet Court has provided a letter in support of the Petitioners' request. The subject property is at the end of a cul-de-sac and there is little road or foot traffic. The front porch cannot be placed anywhere else on the front of the split-level home. The property is a modified pie shape with the dwelling placed at an angle on the property. The community sidewalk has further reduced Petitioners' lot size and reduced their ability to construct a modest porch. The two foot setback is from the community sidewalk.

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 Deputy Zoning Commissioner, 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 Petitioner.

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 Deputy Zoning Commissioner for Baltimore County, this 15<sup>th</sup> day of September, 2008 that a variance from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (front porch) with property line setbacks as close as 2 feet in lieu of the minimum required 11.25 feet, and to amend the latest Final Development Plan for "Goldentree" Plat 1, Section 1 Lot 110 only is hereby GRANTED, subject to the following:

1. The 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, 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\_\_\_\_\_  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz