

IN RE: PETITION FOR ADMIN. VARIANCE

SE of Timberfield Lane, SE corner of
Timberfield Lane and Lightfoot Drive
3rd Election District
2nd Councilmanic District
(3301 Timberfield Lane)

Rakhmin Khoshayev
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0215-A**

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owner of the subject property, Rakhmin Khoshayev for property located at 3301 Timberfield Lane. The variance request is from Section 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a carport addition in the front of an existing dwelling with a front setback of 28 in feet lieu of the required 30 feet. The subject property and requested relief are more particularly described on the site plan submitted with the Petition. The current size of the carport does not allow for the storage of two vehicles under cover and out of the elements.

The property was the subject of previous Administrative Variance request in Case No. 2011-0052-A. In that case, Petitioner requested variance relief from Sections 205.3 and 205.4 (1955-71 regulations) of the B.C.Z.R. to permit a proposed addition (10 feet x 30.6 feet) on an existing dwelling with a side yard setback of 9 feet and a rear yard setback of 10 feet in lieu of the minimum required 15 feet and 40 feet, respectively. Due to an increase in family size, Petitioner desired to enlarge the kitchen by incorporating the existing screened porch into the kitchen and building a new screened porch next to the extended kitchen area for convenience and accessibility. Relief was granted in Case No. 2011-0052-A (with conditions) on September 7, 2010, by then

Deputy Zoning Commissioner Thomas H. Bostwick. Petitioner now comes before this Administrative Law Judge seeking additional relief from the required setbacks.

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 February 8, 2011. As stated previously in Case 2011-0052-A, the front of the existing dwelling is sited at an angle creating a very shallow side and rear yard on the west/southwest side. The Office does not oppose the requested variance provided building materials are consistent with those used in the existing carport.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 23, 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. The information, photographs, and affidavits submitted provide sufficient facts that establish compliance 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, this 17th day of February, 2011, that a variance from Section 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a carport

addition in the front of an existing dwelling with a front setback of 28 feet in lieu of the required 30 feet, be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Building materials for the carport addition shall be consistent with those of the existing carport.
3. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz