

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
SE side of Fuselage Avenue, 120 feet		
N of Highvilla Road	*	OFFICE OF
15 th Election District		
7 th Councilmanic District	*	ADMINISTRATIVE HEARINGS
(502 Fuselage Avenue)	*	FOR BALTIMORE COUNTY
Joyce Bosley Neimiller	*	Case No. 2011-0232-A
<i>Petitioner</i>		

* * * * *

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 waterfront property, Joyce Bosley Neimiller for property located at 502 Fuselage Avenue. The variance request is from Section 504 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and Section V.B.6.b of the Comprehensive Manual of Development Policies (1971-1992 regulations) to permit a proposed sunroom addition with a window to property line (side) setback of 9 feet in lieu of the required 15 feet, and to amend the Final Development Plan for Lot 285, Goldentree Section 3. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioners desire to build a patio room measuring 14 feet x 11 feet with 3 feet x 3 feet landing and steps to grade on the rear of the dwelling. The patio room will be constructed on an existing deck. The north side of the house where the proposed patio room would be constructed is only 8 feet from the property line and the south side of the house is 15 feet from the property line. There are no windows on the side of the Petitioner’s home or any windows on the side of the dwelling at 504 Fuselage Avenue.

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.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 13, 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 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 Administrative Law Judge for Baltimore County, this 9th day of March, 2011 that a variance from Section 504 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and Section V.B.6.b of the Comprehensive Manual of Development Policies (1971-1992 regulations) to permit a proposed sunroom addition with a window to property line (side) setback of 9 feet in lieu of the required 15 feet, and to amend the Final Development Plan for Lot 285, Goldentree Section 3 be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.

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:pz