

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NE side of Wake Robin Drive, corner of		
Topsfield Drive	*	OFFICE OF
8 th Election District		
3 rd Councilmanic District	*	ADMINISTRATIVE HEARINGS
(428 Wake Robin Drive)		
	*	FOR BALTIMORE COUNTY
Regina T. Dabkowski		
<i>Petitioner</i>	*	Case No. 2011-0300-A

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Regina T. Dabkowski for property located at 428 Wake Robin Drive. The variance request is from Section 1B02.3.B (Section 301.1 of 1955 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed open projection (deck) with a rear yard setback of 23 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to construct a deck measuring 22 feet x 15 feet. The deck will be accessed via the existing sliding doors from the sunroom. The property is served by private sewer and is encumbered by the required septic reserve area in the rear yard.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A comment was received from the Department of Environmental Protection and Sustainability dated May 5, 2011, which indicates that the proposed building permit (for a deck/porch) will need to be reviewed by Groundwater Management, especially since a low pressure dose septic system exists on this site.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 17, 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 12 day of May, 2011 that a variance from Section 1B02.3.B (Section 301.1 of 1955 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed open projection (deck) with a rear yard setback of 23 feet in lieu of the required 30 feet 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 _____
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz