

IN RE: PETITION FOR ADMIN. VARIANCE
S side of Gwynnswood Road, 353 feet E
of the c/l of Reisterstown Road
4th Election District
2nd Councilmanic District
(19 Gwynnswood Road)

Dawn M. Faulks
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0321-A**

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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, Dawn M. Faulks for property located at 19 Gwynnswood Road. The variance request is from Sections 1B01.2.C.1.c and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open deck addition on the rear of an existing dwelling with a rear setback of 7 feet to the property line and a side setback of 18 feet to track boundary line in of the required 22½ feet and 22½ feet, respectively. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to construct a deck measuring 18 feet x 24 feet in size. The rear yard and side yard are adjacent to a large homeowners open space tract. Photographs submitted with the Petition show that the adjacent properties enjoy decks of varying sizes.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 8, 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 3rd day of June, 2011 that a variance from Sections 1B01.2.C.1.c and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open deck addition on the rear of an existing dwelling with a rear setback of 7 feet to the property line and a side setback of 18 feet to track boundary line in of the required 22½ feet and 22½ feet, respectively 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