

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

N side of Wellington Road, 40 feet E  
of Wellington Court  
9<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
**(814 Wellington Road)**

James C. and Margaret M. Clemmens  
*Petitioners*

\* BEFORE THE  
\* OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2011-0334-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, James C. and Margaret M. Clemmens for property located at 814 Wellington Road. The variance request is from Section 1B02.3.B (Section III.C.3 of 1953 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition (covered screened deck) with a side street setback of 9 feet in lieu of the minimum required 15 feet. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners have an addition that is currently under construction with a building permit. Next to this addition, Petitioners desire to construct a covered screen deck measuring 8 feet x 17 feet. The proposed addition will accommodate a family member who requires the assistance of a wheelchair. The proposed addition will accommodate the safe the comfortable transition from interior to exterior of the house. This proposed addition will provide adequate protection from the elements and the required lighting for safe access. A vertical wheelchair lift will be installed to provide access to the addition. The location of the proposed addition will provide the best wheelchair access to the dwelling. The driveway is located at the side/rear of the house. None of the neighbors expressed any concern about the variance request.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 22, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have 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 Petitioners.

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 16 day of June, 2011 that a variance from Section 1B02.3.B (Section III.C.3 of 1953 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition (covered screened deck) with a side street setback of 9 feet in lieu of the minimum required 15 feet be and 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.

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Signed  
LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS:pz