

IN RE: PETITION FOR ADMIN. VARIANCE
NE side of Naygall Road; 1,025 feet SE
of the c/l of Glen Mill Road
11th Election District
5th Councilmanic District
(9101 Naygall Road)

Melissa Ann and Carl H. Crenshaw, III
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0338-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 owners of the subject property, Melissa Ann and Carl H. Crenshaw, III for property located at 9101 Naygall Road. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open projection (deck) with a 15 feet rear setback in lieu of the required 22.5 feet, and to amend the latest Final Development Plan of Glen Mill Estates, Lot 3 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct a deck measuring 15 feet x 25 feet. Sliding glass doors lead out to the proposed deck area. A deck smaller than proposed would not be of sufficient size to allow the Petitioners to have a table, chairs and a grill on the deck. Petitioners would be unable to enjoy reasonable use of the property, suffering further practical difficulty. The rear of the property contains dense tree cover.

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 29, 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 23 day of June, 2011 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open projection (deck) with a 15 feet rear setback in lieu of the required 22.5 feet, and to amend the latest Final Development Plan of Glen Mill Estates, Lot 3 only 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.

Signed _____
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz