

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

N side of Magledt Road; 530 feet NE  
of the c/l of Britmore Court  
11<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
**(9828 Magledt Road)**

Lanzhi Wang  
*Petitioner*

\* BEFORE THE  
\* OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2011-0348-A**

\* \* \* \* \*

**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, Lanzhi Wang for property located at 9828 Magledt Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed detached accessory structure (deck) to be in the front yard in lieu of the required in the rear yard of an existing dwelling. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to build a patio measuring 16 feet x 30 feet at the end of her driveway. The front of the dwelling overlooks a valley to the southeast through which a stream runs. The stream is banked by trees and divides two grassy fields. Taking in this view would be enhanced by an overlook provided by the proposed patio and built to deck specifications. The rear of the patio would be level with the existing paved driveway; the front of the patio would be supported by pressure-treated wood columns and stand approximately 5 feet above the slope of the hill at its highest. No trees will be cut, very little soil will be disturbed, and almost no impervious surface will be added. There is no practical way to enjoy such an unobstructed view.

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

and Sustainability dated June 30, 2011, which indicates that the building permit will need Groundwater Management review.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 12, 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 July, 2011 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed detached accessory structure (deck) to be in the front yard in lieu of the required in the rear yard of an existing dwelling, 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.

2. The building permit shall be reviewed by the Groundwater Management Division of the Department of Environmental Protection and Sustainability.

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