

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
SW side of Meadow Glen Road; 855 feet		
SE of the c/l of Bird River Road	*	OFFICE OF
15 <sup>th</sup> Election District		
6 <sup>th</sup> Councilmanic District	*	ADMINISTRATIVE HEARINGS
<b>(1003 Meadow Glen Road)</b>	*	FOR BALTIMORE COUNTY
Gary L. and Judith A. Longerbeam		
<i>Petitioners</i>	*	<b>Case No. 2012-0083-A</b>

\* \* \* \* \*

**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, Gary L. and Judith A. Longerbeam for property located at 1003 Meadow Glen Road. The variance request is from Sections 1B02.3.B, 504.2, 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and Section V.B.6.b of the Comprehensive Manual of Development Policies (1992) to permit an addition with a 9 foot rear setback and open projection (deck) with a 5 foot rear setback in lieu of the required 15 feet and 11.25 feet, respectively and to amend the latest Final Development Plan for Rohe Farm, Lot 16 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct an addition measuring 20 feet x 9 feet and a deck measuring 10 feet x 10 feet. They wish to expand the living area to include a larger dining area and will remove the existing deck and use that area for the addition. A deck will be added behind the garage, attached to the garage, existing dwelling wall and part of the new addition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated October 7, 2011. The building additions shall be located at least 1 foot away from the

drainage and utility easement. Provide a total of 6 feet from the lot line to the proposed additions, so that the foundation is outside of the easement.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 2, 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   24   day of October, 2011 that a variance from Sections 1B02.3.B, 504.2, 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and Section V.B.6.b of the Comprehensive Manual of Development Policies (1992) to permit an addition with a 9 foot rear setback and open projection (deck) with a 5 foot rear setback in lieu of the required 15 feet and 11.25 feet, respectively and to amend the latest Final Development Plan for Rohe Farm, Lot 16 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.
2. Compliance with the conditions as stated in the Bureau of Development Plans Review comments dated October 7, 2011. The building additions shall be located at least 1 foot away from the drainage and utility easement. Provide a total of 6 feet from the lot line to the proposed additions, so that the foundation is outside of the easement.
3. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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