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| IN RE: PETITION FOR ADMIN. VARIANCE | * | BEFORE THE |
| SW side of Stonewall Road, 78 feet | | |
| W of Radstock Road | * | OFFICE OF |
| 1 st Election District | | |
| 1 st Councilmanic District | * | ADMINISTRATIVE HEARINGS |
| (224 Stonewall Road) | * | FOR BALTIMORE COUNTY |
| Betty L. Karl | * | Case No. 2012-0101-A |
| <i>Petitioner</i> | | |

* * * * *

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 property, Betty L. Karl for property located at 224 Stonewall Road. The variance request is from Sections 1B02.3.C.1 and 301.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback 1 foot in lieu of the required 7.5 feet for a carport. The subject property and requested relief are more particularly described on Petitioner’s Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Rich English, the contractor proposing to build the carport. Mrs. Karl, the owner of the property did not appear. She was under the impression that Mr. English, her contractor, was to give her a ride to Towson. Due to a miscommunication, she was not picked up. She was called from the courtroom and indicated that it was okay to proceed with the case in her absence. Mr. English presented the case on her behalf. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations (B.C.Z.R.). Appearing in opposition to the request was Dylan Murray of 222 Stonewall Road.

This matter was originally filed as an Administrative Variance, with a closing date of October 31, 2011. On October 26, 2011, Dylan Murray of 222 Stonewall Road filed the formal

demand for hearing. The hearing was subsequently scheduled for Monday, November 21, 2011 at 10:00 AM, in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

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.

Testimony and evidence offered revealed that the property which is the subject of this request, consists of 12,600 square feet of land zoned DR 5.5. The property is improved with a single family dwelling wherein Mrs. Karl has resided for many decades. She is believed to be the original owner of the house. She desires to build a small carport on the side of her house and needs a variance to allow the carport to be situated 1 foot from her neighbor's property. Mrs. Karl lives by herself and would like to park her car under cover out of the snow and rain. She is prevented from putting the carport in the rear yard due to the slope and grade of her backyard. As stated earlier, Mr. Dylan Murray appeared in opposition to the variance request. Mr. Murray is a good neighbor to Mrs. Karl and even called her on her phone when she did not show up at Court. His concern is with the next owners of the house if Mrs. Karl ever sells. He has no problem with Mrs. Karl, but fears the next owners of this property could misuse the carport, possibly enclose it and perform service work on their vehicles. This carport would sit only 1 foot off of Mr. Murray's property line. He requests that the variance be denied.

After considering the testimony and evidence offered at the hearing, both in support and in opposition to this request. I find that the Petitioners request should be denied. The granting of a variance for this carport would have an adverse impact upon Mr. Murray given that the

structure would sit a mere 1 foot from his property line. There simply is not enough room between these houses for this type of structure. As such, the variance shall be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance request should be denied.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this ____13th____ day of December, 2011 that a variance from Sections 1B02.3.C.1 and 301.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback 1 foot in lieu of the required 7.5 feet for a carport, be and is hereby DENIED.

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/sma