

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W side of Amy Lane, 25 feet W of the		
c/l of New Bridge Court	*	OFFICE OF
2 nd Election District		
4 th Council District	*	ADMINISTRATIVE HEARINGS
(4020 Amy Lane)		
	*	FOR BALTIMORE COUNTY
Latifat A. Raimi		
<i>Petitioner</i>	*	CASE NO. 2012-0129A

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owner of the property, Latifat A. Raimi. The Petitioner is requesting Variance relief pursuant to Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a carport with a side yard setback of 1.5 feet in lieu of the required 7.5 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1. Petitioner desires to construct a carport over the existing driveway and basement stairwell. The carport will prevent the basement entry from becoming blocked by snow and then flooding the basement. The basement entrance is about 7 feet deep which is too difficult to shovel out after snowfalls. The most affected adjacent property owner at 4022 Amy Lane did not express any concern about the 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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 25, 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 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, this 19 day of December, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a carport with a side yard setback of 1.5 feet in lieu of the required 7.5 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Signed
TIMOTHY M. KOTROCO
Administrative Law Judge for
Baltimore County

TMK:pz