IN RE: PETITION FOR ADMIN. VARIANCE

S side of Georgia Belle Drive, 25 feet W of c/l of Tgeorgia Bell Court 11th Election District 5th Councilmanic District (9309 Georgia Belle Drive)

Douglas C. and Joyce E. Lauenstein Petitioners

- * BEFORE THE
- * OFFICE OF
- * ADMINISTRATIVE HEARINGS
- * FOR BALTIMORE COUNTY
- * Case No. 2011-0230-A

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, Douglas C. and Joyce E. Lauenstein for property located at 9309 Georgia Belle Drive. The variance request is from Section 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed open projection (screened-in-porch) to have a rear yard setback of 21.5 feet in lieu of the required 37.5 feet, and to amend the Final Development Plan for Forge Landing, Phase II, Lot 39 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a covered screen porch measuring 16 feet x 19 feet. The proposed screen porch will provide a level and useful living area on a sloping back yard. Access to the porch will be through the existing French doors. An 8 feet wide screen porch would not be useful, practical or cost effective for the Petitioners. The proposed addition would encroach 16 feet into the setback. The file contains letters of support from neighbors residing at 9307 Georgia Bell Drive, 9311 Georgia Bell Drive, and 4 Georgia Bell Court. The property is an irregular shaped corner lot.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated February 16,

ORDER RECEIVED FOR FILING

Date 3 9-11

2011, which indicate they do not oppose the request provided the open projection is screened with vegetation along the southern property line from view by the neighboring property.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 13, 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 day of March, 2011 that a variance from Section 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed open projection (screened-in-porch) to have a rear yard setback of 21.5 feet in lieu of the required 37.5 feet, and to amend the Final Development Plan for Forge Landing, Phase II, Lot 39 only be and is hereby GRANTED, subject to the following:

 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.
 ORDER RECEIVED FOR FILING

Date	3-9-11	
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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. The open projection screen porch shall be screened with vegetation along the southern property line.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

ZAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Ву_____



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 9, 2011

DOUGLAS C. AND JOYCE E. LAUENSTEIN 9309 GEORGIA BELLE DRIVE PERRY HALL, MD 21128

> Re: Petition for Administrative Variance Case No. 2011-0230-A Property: 9309 Georgia Belle Drive

Dear Mr. and Mrs. Lauenstein:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely.

LAWRENCE M. STAHL

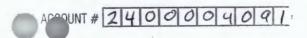
Managing Administrative Law Judge

for Baltimore County

LMS/pz

Enclosure

c: Jeffrey J. Deegan, 2309 Bel Air Road, Suite C, Fallston MD 21047





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9309 Georgia Bell Dr., Perry Hall, MD 21128 which is presently zoned DR-3.5 H

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attachment #1

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
	Douglas C. Lauenstein
Name - Type or Print	Name - Type or Print
Signature	Joyce E. Lauenstein
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	930 Georgia Bell Dr. 410-256-0311
	Address Telephone No. Perry Hall, MD 21128
Name - Type or Print	City State Zip Code
SUING	Representative to be Contacted:
Signature Company ORDER RECEIVED FOR FILING Address Address	Jeffrey J. Deegan, P.E.
Company ORDER REUS 9711	Name 2309 Bel Air Rd., Suite C, 410-808-4564
	Address Telephone No.
Date	Fallston, MD 21047
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to be	required, it is ordered by the Zoning Commissioner of Baltimore Count his petition be set for a public hearing, advertised, as required by the zoning

this _____ day of ____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

CASE NO.	2011-0230-A
REV 10/25/01	

Reviewed By Date 2/2/11

Estimated Posting Date 2/13/11

Zoning Commissioner of Baltimore County

ATTACHMENT #1

to

PETITION FOR ADMINISTRATIVE VARIANCE

Case No.: 2011-0230A

Property Address:

9309 Georgia Bell Dr., Perry Hall, MD 21128-8817

Property Owner:

Douglas C. & Joyce E. Lauenstein

9309 Georgia Bell Dr.

Perry Hall, MD 21128-8817

Present Zoning:

DR-3.5 H

Requested Relief:

A Variance from BCZR § 301.1.A, to permit a proposed open projection (screened-in-porch) to have a rear yard setback of 21.5 feet in lieu of the required 37.5 feet, and to amend the Final Development Plan for "Forge Landing-Phase II", Lot 39 only.

Hardship or Practical Difficulty:

In proposing the Covered Screen Porch, the Owners are attempting to add value to their existing home, while providing increased usefulness, beauty and comfort for the inhabitants, and their guests. The Covered Screen Porch will provide a level and useful area, on an otherwise sloping back yard, without performing excessive earthwork, or the need for expensive retaining wall construction.

The Hardship, and Practical Difficulty is as follows:

2010-0252-A

1. Unique configuration of property-property was originally created and recorded with the benefit of a rear yard setback (Case Nº 0025A) This allowed the existing dwelling to be arranged on the building lot with a 30ft rear setback. The Builder, anticipating a rear structure, left a door for that future use. Unfortunately, from that rear door, only 8ft of structure could be constructed without penetrating the 30ft rear setback line. An 8ft rear porch would not be practical, cost effective, or useful to the Owners.

ZONING DESCRIPTION OF PROPERTY for 9309 GEORGIA BELL DRIVE, PERRY HALL, MD 21128

Beginning at a point on the west side of Georgia Bell Court, which is a 50' wide R/W, at the distance of 114' southeast of the centerline of the nearest improved intersecting street; Georgia Bell Drive which is 50' wide. Being Lot #39 in the Subdivision of "Forge Landing-Phase II" as recorded in the Land records of Baltimore County in Plat Book S.M. No. 76, Folio 38, containing 0.208 acres, more or less. Also being known as 9309 Georgia Bell Drive, Perry Hall, MD 21128-8817, and located in the 11th Election District, and 5th Councilmanic District., including the following courses and distances:

S 86° 37' 20" W	20.00 ft.'	
S 72° 06' 51" W	61.09 ft.	
N 36° 15' 15" W	79.99 ft.	
Radius = 215.32'	119.60 ft.	along a curve to the right
S 49° 31' 02" E	14.42 ft.	
S 03° 22' 40" E	78.75	to the place of beginning

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KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 23, 2011

Mr. & Mrs. Lauenstein 9309 Georgia Bell Drive Perry Hall, MD 21128

RE: Case Number 2011-0230 A, 9309 Georgia Bell Drive, Perry Hall, MD 21128

Dear Mr. & Mrs. Lauenstein,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 2, 2011. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel

Mr. Jeffrey J. Deegan, P.E., 2309 Bel Air Rd., Ste. C, Fallston, MD 21047

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits, Approvals and Inspections DATE: February 16, 2011

RECEIVED

FEB 2 3 2011

FROM:

Jeff Mayhew

(Acting) Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 11-230- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided the open projection is screened with vegetation along the southern property line from view by the neighboring property.

For further questions or additional information concerning the matters stated herein, please contact Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: February 10, 2011

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kehnedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 14, 2011

Item Nos. 2011-226, 227, 228, 229

and 230

zoning items, and we have no comments.

The Bureau of Development Plans Review has reviewed the subject-

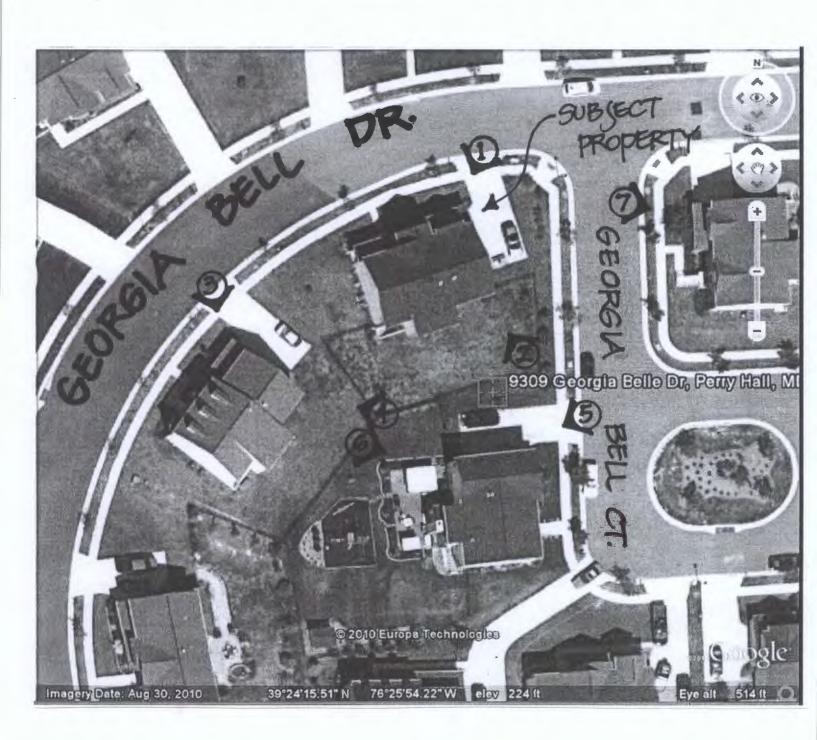
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PHOTO / INDEX

9309 GEORGIA BELL DRIVE PERRY HALL, MD 21128-8817









Item #0230





Item #0230





Item #0230



cas- # 2011-0230-A

ATTACHMENT TO ACCOMPANY VARIANCE REQUEST

Subject: 9309 Georgia Bell Drive Proposed Covered Screen Porch Rear Yard Setback Variance

To whom it may concern:

We, the owners of 9307 Georgia Bell Dr. have been informed by Doug and Joyce Lauenstein of the subject variance request. We understand that the Proposed Covered Screen Porch will be constructed to within 21.5' of the rear lot line, which is 8.5' more than allowed by the Baltimore County Zoning Code, and we have no objections.

Benedicto R. Borja

Date

Czarina A. Santos-Boria

Date

ATTACHMENT TO ACCOMPANY VARIANCE REQUEST

Subject: 9309 Georgia Bell Drive Proposed Covered Screen Porch Rear Yard Setback Variance

To whom it may concern:

We, the owners of 9311 Georgia Bell Dr. have been informed by Doug and Joyce Lauenstein of the subject variance request. We understand that the Proposed Covered Screen Porch will be constructed to within 21.5' of the rear lot line, which is 8.5' more than allowed by the Baltimore County Zoning Code, and we have no objections.

Cets Sll	2/12/11
Clinton J. Shank	Date
Shelley L. Shark Shelley	2/12/11 Date

ATTACHMENT TO ACCOMPANY VARIANCE REQUEST

Subject: 9309 Georgia Bell Drive Proposed Covered Screen Porch Rear Yard Setback Variance

To whom it may concern:

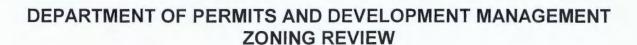
We, the owners of 4 Georgia Bell Ct. have been informed by Doug and Joyce Lauenstein of the subject variance request. We understand that the Proposed Covered Screen Porch will be constructed to within 21.5' of the rear lot line, which is 8.5' more than allowed by the Baltimore County Zoning Code, and we have no objections.

Aunt Vo	3/12/11
Stuart V. Johnson	Date
Tonya D. Johnson	2/10/11
Tonya D. Johnson	Date

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2011 -	0230	-A	Address	9309	Georgia	Belle Dr	
Conta	act Person:	David Planner, Pi	Duvall ease Print Your	Name		Phone Num	ber: 410-887	-3391
Filing	Date: 2/2	2/11	Pos	ting Date:	2/13/11	Closing	g Date: 2/	28/11
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ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 2011-0230 -A
Petitioner: DOUGLAS C. & JOYCE E. LAWENSTEIN
Address or Location: 9309 GEORGIA BELLE DR.
PERRY HALL, MD 21128
PLEASE FORWARD ADVERTISING BILL TO:
Name: DOUGLAS LAVENSTEIN
Address: 9309 GEORGIA BEU(t) DR.
PERRY HALL, MD 21128
Telephone Number: 40 - 256-0311 BUSINES

9309 Georgia Bell(e) Drive 9308 9312 9310 Lot# 0 2400004089 Lot # 21 2400004090 Lot # 22 2400010138 20030600 2400004141 Lot # 20 9306 Lot # 19 2400010137 GEORGIA BELLE DR BEAN RUNSUBAREA GEORGIA BELLE 2400004098 FORGE LANDING (PDM File/Project # 11-829) Lot # 46 4 to7 C 9309 PDM # 110829 Pt. Bk./Folio # 077170 2400004091 Lot # 39 DR 3.5 H Pt. Bk./Folio # 076038 5 CD NE 10-I 2400010144 9307_{Bk. 77}, Folio 170 **BIRD RIVERSUBAREA** 2400004092 Lot # 40 Pt. Bk. 76, Folio 38 2400010146 20060116 Lot # 113 2400004094 20070408 Lot # 43 20060552 2400004093 Lot # 41 2400004095 Lot # 42 50 100 Publication Date: February 02, 2011 Publication Agency: Department of Permits & Development Management Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot



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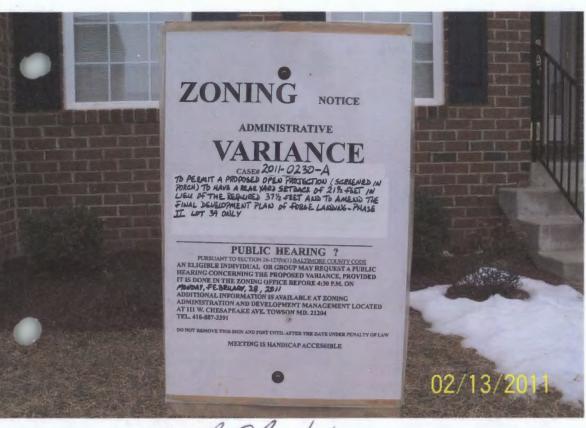
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Account	Identifier:			District - 11 Acco	unt Number -	2400004091					7
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Owner Name: LAUENSTEIN DOUGLAS C LAUENSTEIN JOYCE E Mailing Address: 9309 GEORGIA BELLE DR PERRY HALL MD 21128-8817					7	Use: Principal Residence: Deed Reference:				RESIDENTIAL YES 1) /21998/ 00525 2)	
				Loca	tion & Structu	re Information					
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CERTIFICATE OF POSTING

RE: Case No 2011-0230-A

	DEEGAN & ASSO C.
	Date Of Hearing/Closing: 2/28/11
Baltimore County Department of Permits and Development Man County Office Building,Room 11 111 West Chesapeake Avenue	agement 11
Attention:	
adles and Gentlemen	
This letter is to certify under pensign(s) required by law were pos	naitles of perjury that the necessary sted conspicuously on the property 4304 GEORGIA BELLE DR
his algn(s) were posted on	February 13, 2011
	Month, Day, Year Sincerely,
	materia De 2/13/1
	Signature of Sign Poster and Date Martin Ogle
	60 Chelmsford Court
	Baitimore, Md, 21220 443-629-3411
	440~UZ8~3411



malmost 2/13/11

