

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S side of Shelrick Place, 70 feet E of		
Troy Court	*	OFFICE OF
3 rd Election District		
2 nd Councilmanic District	*	ADMINISTRATIVE HEARINGS
(6607 Shelrick Place)	*	FOR BALTIMORE COUNTY
Joshua and Rivka Volosov		
<i>Petitioners</i>	*	Case No. 2011-0275-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, Joshua and Rivka Volosov for property located at 6607 Shelrick Place. The variance request is from Section 211.3 (1955-71) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback for a proposed addition of 2 feet and a sum of both yards of 16 feet in lieu of the required 8 feet and 20 feet respectively. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct an enlarged kitchen/dining area measuring 10 feet x 30 feet for the growing family. Based on the architectural layout of the dwelling, this is the only location where the expanded kitchen/dining area can be constructed. The most affected property owner at 6609 Shelrick Place did not express any concerns about the proposal.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 27, 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 19th day of April, 2011 that a variance from Section 211.3 (1955-71) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback for a proposed addition of 2 feet and a sum of both yards of 16 feet in lieu of the required 8 feet and 20 feet respectively 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.

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