

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
NW side of Gun Road; 3,500 feet SW		
of Rolling Road	*	OFFICE OF ADMINISTRATIVE
1 <sup>st</sup> Election District		
1 <sup>st</sup> Council District	*	HEARINGS FOR
<b>(518 Gun Road)</b>		
	*	BALTIMORE COUNTY
Norman D. and Linda J. Dixon		
<i>Petitioners</i>	*	<b>CASE NO. 2012-0252-A</b>

\* \* \* \* \*

**ORDER AND OPINION**

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, Norman D. and Linda J. Dixon. The Petitioner’s daughter, Jackie C. Kelly, purchased the dwelling from them in May, 2012. Mrs. Kelly will reside at the residence and be caretaker for her parents. The Petitioners are requesting Variance relief as follows:

- From Section 1A04.3.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 38 feet in lieu of the required 50 feet for an in-law addition; and
- From Section 400.1 of the B.C.Z.R. to permit an existing garage (built in 1967) to be located in the side yard in lieu of the required rear yard.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

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 April 22, 2012, 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, this 29 day of May, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance as follows:

- From Section 1A04.3.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 38 feet in lieu of the required 50 feet for an in-law addition; and
- From Section 400.1 of the B.C.Z.R. to permit an existing garage (built in 1967) to be located in the side yard in lieu of the required rear yard,

be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The in-law apartment use is subject to Baltimore County Council Bill 49-11 and all of the restrictions and conditions therein.
3. Petitioner must record among the Land Records of Baltimore County – and provide to Baltimore County evidence of such filing – the affidavit attached hereto, known as the Declaration of Understanding.

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

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Signed \_\_\_\_\_  
LAWRENCE M. STAHL  
Managing Administrative Law Judge for  
Baltimore County

LMS:pz