

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1013 Overbrook Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Marc E. Raley and Mariah B. Gillis	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2013-0208-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Marc E. Raley and Mariah B. Gillis. The Petitioners are requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition on the side of an existing dwelling with a side yard setback of 5 ft. 6 in. in lieu of the required 10 ft. 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. There were no adverse ZAC comments received from any of the County reviewing agencies. However, it is to be noted that letters of support were received from Zachary A. and Sarah Mar-Kaminsky (1006 Overbrook Road), Staci N. Lanham (1010 Overbrook Road), Mary Quick (1015 Overbrook Road), and John Miller, Jr. (1011 Overbrook Road), all of whom had no objection to the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 24, 2013, 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 (B.C.C.). 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 16th day of April, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition on the side of an existing dwelling with a side yard setback of 5 ft. 6 in. in lieu of the required 10 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- The Petitioners may apply for their appropriate permits 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.

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

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

LMS:dlw