

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
6 <sup>th</sup> Election District		
3 <sup>rd</sup> Councilmanic District	*	OFFICE OF
<b>(733 Bentley Road)</b>		
Richard Laufer	*	ADMINISTRATIVE HEARINGS
Petitioner		
	*	FOR BALTIMORE COUNTY
	*	<b>Case No. 2013-0213-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Richard Laufer, for property located at 733 Bentley Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit existing and proposed detached accessory structures (storage buildings) to be located in the front and side yards of the principal dwelling in lieu of the required rear. The subject property and requested relief are more particularly described on Petitioner’s Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) dated April 5, 2013, indicating that development of the property must comply with Forest Conservation Law (Sections 33-6-101 through 33-6-122 of the Baltimore County Code [B.C.C.]), and that Forest Conservation Law may be met for this project by executing and filing a Single Lot Declaration of Intent with DEPS.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 30, 2013, 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 Petitioner.

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 23<sup>rd</sup> day of April, 2013 that a Variance from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit existing and proposed detached accessory structures (storage buildings) to be located in the front and side yards of the principal dwelling in lieu of the required rear, be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner must comply with the ZAC comments submitted by DEPS, dated April 5, 2013; a copy of which is attached hereto and made a part hereof.

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