

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
1 <sup>st</sup> Election District		
1 <sup>st</sup> Councilmanic District	*	OFFICE OF
<b>(1306 Hubner Avenue)</b>		
Enrique A. and Nicole K. Sanchez	*	ADMINISTRATIVE HEARINGS
Petitioners		
	*	FOR BALTIMORE COUNTY
	*	<b>Case No. 2013-0119-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 owners of the subject property, Enrique A. and Nicole K. Sanchez, for property located at 1306 Hubner Avenue. The variance request is from Sections 1B02.3.C.1, 303.1 and 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a side yard setback of 9’ in lieu of the required 10’ for a proposed porch enclosure, and to permit an existing accessory structure with a 0’ side yard setback and a 2’ rear yard setback in lieu of the required 2.5’, respectively. The subject property and requested relief are more particularly described on 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 January 19, 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. 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 19<sup>th</sup> day of February, 2013 that a Variance from Sections 1B02.3.C.1, 303.1 and 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a side yard setback of 9’ in lieu of the required 10’ for a proposed porch enclosure, and to permit an existing accessory structure with a 0’ side yard setback and a 2’ rear yard setback in lieu of the required 2.5’, respectively, be and is hereby GRANTED, subject to the following:

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

LMS:dlw