

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(6708 Broadview Road)		
3 rd Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Councilmanic District		
Stephen A. & Deborah S. Huster (Trustees)	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2013-0148-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Stephen A. & Deborah S. Huster (Trustees). The Petitioners are requesting Variance relief pursuant to Section 1B02.3.C.1 and 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) to permit a rear yard setback of 25 ft. in lieu of the required 30 ft., and; (2) to permit corner street side yard setbacks of 12 ft., 16 ft., and a sum of side yards of 28 ft. in lieu of the required 30 ft., 20 ft., and 50 ft., respectively. 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.

This matter was originally filed as an Administrative Variance, with a closing date of January 14, 2013. On January 28, 2013, the Office of Administrative Hearings requested a formal hearing on this matter. The hearing was set for March 11, 2013 at 10:00 AM in Room 205 of the Jefferson Building, 105 W. Chesapeake Avenue, Towson, MD, and notice to that effect was mailed to Petitioners.

The Petitioners not only failed to appear at the scheduled hearing, but the sign posting requirement was not fulfilled; therefore the Petition will be dismissed.

THEREFORE, IT IS ORDERED, this 12th day of March, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B02.3.C.1 and 402.1 of the B.C.Z.R., (1) to permit a rear yard setback of 25 ft. in lieu of the required 30 ft., and; (2) to permit corner street side yard setbacks of 12 ft., 16 ft., and a sum of side yards of 28 ft. in lieu of the required 30 ft., 20 ft., and 50 ft., respectively, be and is hereby DISMISSED without prejudice.

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

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw