

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(904 Palladi Drive)		
13 th Election District	*	OFFICE OF
1 st Councilmanic District		
James K. Peach	*	ADMINISTRATIVE HEARINGS
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2013-0081-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owner of the subject property, James K. Peach. The variance request is from Sections 400 and 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a proposed accessory structure (shed) with a side yard setback of 12 inches in lieu of the required 2 ½ feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 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 submitted from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 7, 2012, 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; and having received a letter on November 13, 2012 from Eugene T. Ambrose, 902 Palladi Drive, indicating no objection to the variance relief, 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 13th day of November, 2012 that the Variance request from Sections 400 and 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a proposed accessory structure (shed) with a side yard setback of 12 inches in lieu of the required 2 ½ feet, be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit 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.

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