

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(9536 Hallhurst Road)</b>		
11 <sup>th</sup> Election District	*	OFFICE OF ADMINISTRATIVE
5 <sup>th</sup> Council District		
Isaac D. and Tabitha L. Weinstein	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2014-0088-A</b>

\* \* \* \* \*

**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, Isaac D. and Tabitha L. Weinstein. Resolution 106-13 concerning the public disclosure of Tabitha Weinstein, an employee of the Baltimore County Police Department, was approved at the County Council meeting held on October 21, 2013. The Petitioners are requesting Variance relief pursuant to Sections 1B02.3.B, 504.2 and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R) and V.B.6.b (CMDP – 1977 regulations), to permit a proposed open projection (deck) with a side yard setback of 5 ft. in lieu of the required 11.25 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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 20, 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 6<sup>th</sup> day of November, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Sections 1B02.3.B, 504.2 and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R), and V.B.6.b (CMDP – 1977 regulations), to permit a proposed open projection (deck) with a side yard setback of 5 ft. in lieu of the required 11.25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for any 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.

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:dlw