

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(4 Broadridge Lane)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Evan S. and Cheryl A. Mickel	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2014-0143-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, Evan S. and Cheryl A. Mickel. The Petitioners are requesting Variance relief pursuant to Section 1A03.4.B.2.a of the Baltimore County Zoning Regulations (“B.C.Z.R”) to permit a side addition on the existing dwelling with a side yard setback of 15 feet in lieu of the required 25 feet. In addition, the Petitioners are requesting relief to rescind the setback variance granted in prior Case No. 85-247-A. However, this request was only reflected on the petition and was not properly posted as such. In addition, Section 32-3-303 of the Baltimore County Code (“B.C.C.”) states that the Administrative Law Judge (Zoning Commissioner) may grant height and area variances only in proceedings such as this. As such, the request to rescind the prior variance is inappropriate in a Petition for Administrative Variance. 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 January 3, 2014, 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 28th day of January, 2014 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1A03.4.B.2.a of the Baltimore County Zoning Regulations (“B.C.Z.R) to permit a side addition on the existing dwelling with a side yard setback of 15 feet in lieu of the required 25 feet, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the request to rescind the setback variance from prior Case No. 85-247-A, be and is hereby DISMISSED WITHOUT PREJUDICE.

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.

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw