

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(600 Allegheny Avenue)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Kelly M. Gombeski (nee Simons)	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2015-0009-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Kelly M. Gombeski (nee Simons) [“Petitioner”]. The Petitioner is requesting Variance relief from §§ 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit a front addition with a 7 ft. side yard and a 19 ft. front yard setbacks in lieu of the required 10 ft. side yard and 26.5 ft. front yard (front averaging) setbacks respectively, and (2) To permit a rear addition with a 4.75 ft. side yard and a 22 ft. rear yard setbacks in lieu of the required 10 and 30 ft. respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s 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 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 July 17, 2014, 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 (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 Petitioner.

Pursuant to the posting of the property and the provisions of both the B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 8th day of August, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from §§ 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit a front addition with a 7 ft. side yard and a 19 ft. front yard setbacks in lieu of the required 10 ft. side yard and 26.5 ft. front yard (front averaging) setbacks respectively, and (2) To permit a rear addition with a 4.75 ft. side yard and a 22 ft. rear yard setbacks in lieu of the required 10 and 30 ft. respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioners is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, 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.

JEB:dlw

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County