

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(4319 Winterode Way)		
11 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Robert D. and Kelly J. Cook	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2015-0150-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, Robert D. and Kelly J. Cook [“Petitioners”]. The Petitioners are requesting Variance relief from §§ 1B02.3.B (§§ 1B01.2.C.3, 1B01.2.C.2.a and 504 of the 1970 Zoning Regulations and §§ V.B.5.a, V.B.6.b, and V.B.9 of the 1970 CMDP) as follows: (1) To permit a proposed addition with a front yard setback of 22 ft. in lieu of the minimum front yard setback of 25 ft., (2) To permit a rear setback window to tract boundary of 24 ft. in lieu of the minimum setback of 35 ft., and (3) To permit a window to side yard setback of 10 ft. in lieu of the minimum 15 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 submitted 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 30, 2015, 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 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 5th day of February, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from §§ 1B02.3.B (§§ 1B01.2.C.3, 1B01.2.C.2.a and 504 of the 1970 Zoning Regulations and §§ V.B.5.a, V.B.6.b, and V.B.9 of the 1970 CMDP) as follows: (1) To permit a proposed addition with a front yard setback of 22 ft. in lieu of the minimum front yard setback of 25 ft., (2) To permit a rear setback window to tract boundary of 24 ft. in lieu of the minimum setback of 35 ft., and (3) To permit a window to side yard setback of 10 ft. in lieu of the minimum 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject 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