

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(7807 Shadow Knoll Court)		
14 th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
Joseph E. and Dina L. Carr	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2015-0070-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, Joseph E. and Dina L. Carr. The Petitioners are requesting Variance relief from § 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18 ft. in lieu of the required 22.5 ft. for a proposed deck. 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. A ZAC comment was received from the Bureau of Development Plans Review (DPR) dated October 9, 2014, indicating that a fence and planting along the rear property line to prevent encroachment into the open space be provided, and in addition, a Landscape Plan is required.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 9, 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 3rd day of November, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18 ft. in lieu of the required 22.5 ft. for a proposed deck, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioners may apply for their 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners must comply with the ZAC comment from the Bureau of Development Plans Review (DPR) dated October 9, 2014; a copy of which is attached hereto and made a part hereof.

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