

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(3830 New Section Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
Judith Griffith & Deborah A. Barringer	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0220-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, Judith Griffith and Deborah A. Barringer (“Petitioners”). The Petitioners are requesting Variance relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with existing side yard setbacks of 6 ft. and 11 ft. in lieu of the required 50 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. The property is located within the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements as noted in the ZAC comment dated March 30, 2016 submitted by the Department of Environmental Protection and Sustainability (DEPS). In addition, a ZAC comment was received from the Bureau of Development Plans Review (DPR) dated March 28, 2016 indicating that prior to building permit application, the Petitioners must contact the Director of Public Works (DPW) to determine the flood protection elevation.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 27, 2016, and there being no request for a public hearing, a decision

shall be rendered based upon the documentation presented.

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 and photographs 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 **15th** day of **April, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with existing side yard setbacks of 6 ft. and 11 ft. in lieu of the required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must comply with the ZAC comments from DEPS dated March 30, 2016, and DPR, dated March 28, 2016; copies of which are 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