

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(962 Homberg Avenue)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
Warren & Tammy Senez	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0017-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, Warren & Tammy Senez. The Petitioners are requesting variance relief from §400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory building to be located in the side and front yards in lieu of the required rear yard and to permit a front yard to street property line averaged setback of 10 ft. in lieu of the required 24 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 Bureau of Development Plans Reviews (DPR) submitted a comment dated August 6, 2015, indicating that agency had no objection to the requested variance provided the proposed building is not used as a garage. In addition, several letters of support were received from neighbors residing on Homberg and Kinwat Avenues.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 31, 2015, 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 25th day of August, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory building to be located in the side and front yards in lieu of the required rear yard, and to permit a front yard to street property line averaged setback of 10 ft. in lieu of the required 24 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.
2. The Petitioners or subsequent owners shall not convert the accessory building into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory building shall not be used for commercial purposes.
4. Petitioners must comply with the comments submitted by DPR dated August 6, 2015, a copy of which is attached hereto and made a part thereof.

5. Petitioners must comply with Critical Area and Floodplain regulations prior to building permit application.

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:sln