

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1510 Maywood Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Edward L. and Katherine L. Mitzel	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0149-A

* * * * *

OPINION ON MOTION FOR RECONSIDERATION

By Order dated February 1, 2016, the Petitioners were granted variance relief permitting the construction of an attached side yard carport with a side setback of 2.5 ft. in lieu of the required 11.5 ft., and a height of 17 ft. in lieu of the maximum allowed 15 ft. On February 16, 2016, the Petitioners’ neighbors at 1508 Maywood Avenue (Phil and Kathy Heldrich) filed a Motion for Reconsideration of the February 1, 2016 Order granting variance relief. In that correspondence, the Protestant neighbors contend that “the new owners... have not moved into the neighborhood,” and it would appear based on photographs in the file that the subject property 1510 Maywood is currently being renovated and is unoccupied.

In these circumstances, the Motion for Reconsideration will be granted. The Baltimore County Code (BCC) permits administrative variances (such as those granted in this case) only when the petition involves “an owner-occupied lot zoned residential.” BCC §32-3-303 (a). In addition, the administrative variance petition itself, which the Petitioners signed and dated on December 22, 2015, provided that they “own and occupy the property situate in Baltimore County.” Since the Petitioners are unable to satisfy this requirement, the Motion for Reconsideration will be granted, and the variance relief stricken.

WHEREFORE, for the forgoing reasons, on this 22nd day of February, 2016, the Motion

for Reconsideration be and is hereby granted, and the administrative variance granted by Order dated February 1, 2016 in the above captioned matter, is hereby RESCINDED.

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