

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(404 Katherine Avenue)</b>		
15 <sup>th</sup> Election District	*	OFFICE OF
7 <sup>th</sup> Council District		
Daniel D. Goral & Kimberly R. Bleakley	*	ADMINISTRATIVE HEARINGS
Petitioners		
	*	FOR BALTIMORE COUNTY
	*	<b>Case No. 2016-0180-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Daniel D. Goral & Kimberly R. Bleakley (“Petitioners”). The variance request is from § 400.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a shed in the rear yard (street side) of a waterfront existing single family dwelling with a 10 ft. setback in lieu of the required 30 ft. rear yard setback. The subject property and requested relief are more particularly described on 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 property is located within the Chesapeake Bay Critical Area (CBCA), Limited Development Area (LDA) and Modified Buffer area (MBA), and is subject to Critical Area requirements as noted in the ZAC comment dated February 24, 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 February 18, 2016, indicating that to the extent possible, planting between the shed and road should be added to screen the building.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 14, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code. 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 § 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, by the Administrative Law Judge for Baltimore County, this **3<sup>rd</sup>** day of **March, 2016**, that the Petition for Variance seeking relief from § 400.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a shed in the rear yard (street side) of a waterfront existing single family dwelling with a 10 ft. setback in lieu of the required 30 ft. rear yard setback, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for any 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 shall comply with the ZAC comments submitted from DEPS and DPR; copies of which are attached and made a part hereof.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

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Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:dlw