

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2321 Harford Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Lawrence T. Brown	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0017-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Lawrence T. Brown (“Petitioner”). The Petitioner is requesting Variance relief from §§ 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed carport (open projection addition) with a side setback of 5 ft. in lieu of the minimum side setback of 6 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s 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 July 29, 2016 indicating if granted, an opaque fence and/or screening should be provided along the property line of the adjacent property at 2323 Harford Hill Road. It is to be noted that letters from five (5) neighbors were received in support of the Petitioner’s request, including the adjacent neighbor at 2323 Harford Hills Road.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 31, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.

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 **August, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed carport (open projection addition) with a side setback of 5 ft. in lieu of the minimum side setback of 6 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.
- Building materials for the carport addition shall be consistent with those of the existing principal dwelling.
- The carport shall remain open on the three exposed sides and shall not be enclosed at any time.

- Petitioner must comply with the ZAC comment from DPR, dated July 29, 2016; 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