

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(11909 Woodberry Place)		
11 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Marcia A. Barton	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0021-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Marcia A. Barton (“Petitioner”). The Petitioner is requesting Variance relief pursuant to § 1A04.3.B.2 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to permit a proposed enclosure of existing carport creating an addition with a side yard setback of 6 ft. in lieu of the minimum 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 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 Department of Planning (DOP) indicating subject dwelling is a contributing structure in the Baltimore County Historic District of Franklinville and is subject to Landmarks Preservation Committee approval and all alterations must be compatible with the Baltimore County Historic Preservation Design Guidelines.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 30, 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 § 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 § 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 22nd day of **August, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A04.3.B.2 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to permit a proposed enclosure of existing carport creating an addition with a side yard setback of 6 ft. in lieu of the minimum required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with the ZAC comments submitted from DOP dated August 1, 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.

JEB:dlw

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County