

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(208 Arms Chapel Road)</b>		
4 <sup>th</sup> Election District	*	OFFICE OF ADMINISTRATIVE
2 <sup>nd</sup> Council District		
Edwin L. Bulson, III	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2017-0057-A</b>

\* \* \* \* \*

**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, Edwin L. Bulson, III (“Petitioner”). The Petitioner is requesting Variance relief pursuant to §§ 1B02.3.B and 504.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and V.B.6.a of the Comprehensive Manual of Development Policies (“CMDP”), to permit a proposed addition (extension and enclosure of existing porch) to have a front yard setback of 19 ft., 4 in., in lieu of the minimum required 25 ft. and to amend the Final Development Plan (FDP) of Glyndonwood, Block B, Lot No. 5 only. 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. There were no ZAC comments received from any of the County reviewing agencies.

It is to be noted that a formal demand for hearing was requested on September 16, 2016 from Tim Krispin, President of the Chartley Homeowner’s Association (HOA). Thereafter, a public hearing was scheduled for October 31, 2016. However, on October 17, 2016 (via email)

correspondence was received by the Office of Zoning Review formally requesting to withdraw the HOA's formal demand indicating they have no objections to the Petitioner's plans.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 4, 2016, 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 21<sup>st</sup> day of October, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 1B02.3.B and 504.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and V.B.6.a of the Comprehensive Manual of Development Policies ("CMDP"), to permit a proposed addition (extension and enclosure of existing porch) to have a front yard setback of 19 ft., 4 in., in lieu of the minimum required 25 ft. and to amend the Final Development Plan (FDP) of Glyndonwood, Block B, Lot No. 5 only, be and is hereby GRANTED.**

The relief granted herein shall be subject to the following:

- 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 his 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.

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