

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(500 Chalfonte Drive)		
1 st Election District	*	OFFICE OF
1 st Council District		
Thomas A. and Angela B. Michel	*	ADMINISTRATIVE HEARINGS
Petitioners		
	*	FOR BALTIMORE COUNTY
	*	Case No. 2014-0139-A

* * * * *

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, Thomas A. and Angela B. Michel. The variance request is from Sections 400.1 and 427 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), as follows: (1) To permit an existing accessory structure/swimming pool in the side yard in lieu of the permitted rear yard, (2) To permit an accessory structure/swimming pool on a corner lot, that is not on the third of the lot that is farthest removed from the street, and (3) To permit a 6 ft. high fence in the rear yard of a single family dwelling with a 0 ft. setback that is in the front yard of a neighboring single family dwelling in lieu of the required 10 ft. 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 comments received from any of the County agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 29, 2013 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 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 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 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 16th day of January, 2014, that the Petition for Variance seeking relief from Sections 400.1 and 427 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), as follows: (1) To permit an existing accessory structure/swimming pool in the side yard in lieu of the permitted rear yard, (2) To permit an accessory structure/swimming pool on a corner lot, that is not on the third of the lot that is farthest removed from the street, and (3) To permit a 6 ft. high fence in the rear yard of a single family dwelling with a 0 ft. setback that is in the front yard of a neighboring single family dwelling in lieu of the required 10 ft. setback, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.

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