

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
15 <sup>th</sup> Election District		
6 <sup>th</sup> Councilmanic District	*	OFFICE OF
<b>(6938 Gunder Avenue)</b>		
Kenneth D. and Kathy J. Boone	*	ADMINISTRATIVE HEARINGS
Petitioners		
	*	FOR BALTIMORE COUNTY
	*	<b>Case No. 2014-0196-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, Kenneth D. and Kathy J. Boone. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a new dwelling on an existing foundation (razing existing dwelling) with a side yard setback of 7 ft. in lieu of the required 10 ft. 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 received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 6, 2014, 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 29<sup>th</sup> day of April, 2014 that a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a new dwelling on an existing foundation (razing existing dwelling) with a side yard setback of 7 ft. in lieu of the required 10 ft., be and is hereby GRANTED, subject to the following:

- The Petitioners may apply for their 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, the 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  
LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS:dlw