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|--|---|-----------------------------|
| <b>IN RE: PETITION FOR ADMIN. VARIANCE</b> | * | BEFORE THE                  |
| <b>(102 East Avenue)</b>                   |   |                             |
| 12 <sup>th</sup> Election District         | * | OFFICE OF ADMINISTRATIVE    |
| 7 <sup>th</sup> Council District           |   |                             |
| Edythe Brooks                              | * | HEARINGS FOR                |
| Petitioner                                 |   |                             |
|  | * | BALTIMORE COUNTY            |
|  | * | <b>CASE NO. 2015-0293-A</b> |

\* \* \* \* \*

**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, Edythe Brooks. The Petitioner is requesting Variance relief from §§ 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) with a rear yard setback of 20 ft. and a proposed open projection (deck) with a rear yard setback of 20 ft. and a side yard setback of 7 ft. in lieu of the required 30 ft., 22.5 ft. and 7.5 ft., respectively. 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 June 25, 2015 and indicated that prior to building permit application, the Petitioner must contact the Office of the Director of Public Works to determine the flood protection elevation, so that the floor elevation can be set.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 28, 2015, 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 16<sup>th</sup> day of **July, 2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) with a rear yard setback of 20 ft. and a proposed open projection (deck) with a rear yard setback of 20 ft. and a side yard setback of 7 ft. in lieu of the required 30 ft., 22.5 ft. and 7.5 ft., respectively, 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 comment received from the Bureau of Development Plans Review (DPR) dated June 25, 2015; a copy of which is attached hereto and made a part hereof.

3. Petitioner must must comply with Critical Area regulations prior to building permit application.

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