

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(130 Cedarmere Road)</b>		
4 <sup>th</sup> Election District	*	OFFICE OF ADMINISTRATIVE
4 <sup>th</sup> Council District		
Ronald L. Decker	*	HEARINGS FOR
Petitioner	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2016-0072-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, Ronald L. Decker (“Petitioner”). The Petitioner is requesting Variance relief pursuant to § 1B02.3.A.2 of the Baltimore County Zoning Regulations (“B.C.Z.R), (1953 Tentative approved regulations) to permit a proposed garage addition to the side of the dwelling with a side setback of one (1) ft. and a sum side setback of 11 ft. in lieu of the required 7 and 17 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 October 2, 2015 indicating that a one-foot setback does not leave sufficient room for access and maintenance without trespass on the neighbor’s land. Even so, a letter was received from the adjacent neighbor who resides at 128 Cedarmere Road (Ronald Demory) indicating his support for the Petitioner’s request.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 1, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

While I understand the neighbor has no objection, I believe that a one (1) ft. setback for the garage addition would be inappropriate. As noted in the DPR's comment (attached), such a minimal setback would not allow the owner to maintain the structure without intruding upon his neighbor's property. Although the current neighbor does not oppose the request, the situation could be problematic in the future if/when different owners live in the homes.

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 denied.

THEREFORE, IT IS ORDERED, this 26<sup>th</sup> day of **October, 2015** by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.A.2 of the Baltimore County Zoning Regulations ("B.C.Z.R), (1953 Tentative approved regulations) to permit a proposed garage addition to the side of the dwelling with a side setback of one (1) ft. and a sum side setback of 11 ft. in lieu of the required 7 and 17 ft. respectively, be and is hereby DENIED.

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