

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(130 Cedarmere Road)		
4 th Election District	*	OFFICE OF ADMINISTRATIVE
4 th Council District		
Ronald L. Decker	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0155-A

* * * * *

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, Ronald L. Decker. The Petitioner is requesting variance relief from § 1B02.3.A.2 (1953 Tentative Approved Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed garage addition to the side of the dwelling with side setbacks of 2 ft. and 10 ft. in lieu of the required 7 ft. and 10 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. There were no adverse ZAC comments submitted by any of the County reviewing agencies. However, it is to be noted that a letter of support was received from Ronald Demory, an adjacent neighbor residing at 128 Cedarmere Road, who has no objection to Petitioner’s request.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 16, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 and photographs 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 3rd day of **February, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.A.2 (1953 Tentative Approved Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed garage addition to the side of the dwelling with side setbacks of 2 ft. and 10 ft. in lieu of the required 7 ft. and 10 ft., respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner or subsequent owners shall not convert the garage addition into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The garage addition shall not be used for commercial purposes.

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