

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(8203 Gum Tree Dr.)		
12 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
1735 Searles, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2016-0283-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of 1735 Searles, LLC, owner of the subject property (“Petitioner”). Petitioner seeks variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 1B02.3.C.1: (1) to permit an existing dwelling with a side setback of 7 ft. in lieu of the required 10 ft.; and (2) to allow a lot width of 50 ft. in lieu of the required 55 ft. A site plan was marked as Petitioner’s Exhibit 1.

James & Jan Gay and surveyor Scott Dallas appeared in support of the Petition. Several neighbors attended the hearing and opposed the request. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Environmental Protection and Sustainability (DEPS), noting the property is subject to Chesapeake Bay Critical Area (CBCA) requirements.

The subject property is approximately 8,250 square feet and is zoned DR 5.5. The property is improved with a single-family dwelling constructed in 1946. The dwelling has been vacant for some time and Petitioner is in the process of renovating the home. This case was heard with a companion case (No. 2016-0284-A), and the order in that matter contains a more thorough discussion of the facts and legal issues involved here.

For present purposes it suffices to say that Petitioner only requires variance relief in this case if the Petition in Case No. 2016-0284-A was granted, thereby making this an undersized lot with a deficient side yard setback. But the petition in No. 284 was denied in a separate order. The resolution in that case has made this case moot, as reflected in the order below.

THEREFORE, IT IS ORDERED, this 5th day of **July, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (“B.C.Z.R) § 1B02.3.C.1: (1) to permit an existing dwelling with a side setback of 7 ft. in lieu of the required 10 ft.; and (2) to allow a lot width of 50 ft. in lieu of the required 55 ft., be and is hereby DISMISSED without prejudice as MOOT.

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/sln