

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(110 Woodland Avenue)</b>		
12 <sup>th</sup> Election District	*	OFFICE OF ADMINISTRATIVE
7 <sup>th</sup> Council District		
Daniel Lee Michaels	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2017-0026-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, Daniel Lee Michaels (“Petitioner”). The Petitioner is requesting Variance relief from § 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed carport addition attached to the side of the dwelling with a side yard setback of one (1) ft. in lieu of the required 7.5 ft. 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. The property is located within the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements as noted in the ZAC comment dated August 9, 2016 submitted by the Department of Environmental Protection and Sustainability (DEPS).

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 13, 2016, 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 7<sup>th</sup> day of **September, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed carport addition attached to the side of the dwelling with a side yard setback of one (1) ft. in lieu of the required 7.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.
- Building materials for the carport addition shall be consistent with those of the existing principal dwelling.
- The carport shall remain open on the three exposed sides and shall not be enclosed at any time.
- Petitioner must comply with the ZAC comment from DEPS, dated August 9, 2016; a copy of which is attached hereto and made a part hereof.

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