

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1200 Boyce Avenue)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Bryan D. & Caroline K. Casey	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0187-A

* * * * *

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 owners of the property, Bryan D. & Caroline K. Casey (“Petitioners”). The Petitioners are requesting Variance relief pursuant to § 1B02.3.B (205.3, R.20 zone) of the Baltimore County Zoning Regulations (“B.C.Z.R) as follows: (1) To permit a side street setback as close as 25 ft. and side street centerline setback as close as 55 ft. in lieu of 40 ft. and 65 ft., and (2) To permit an existing accessory structure (shed) located in the closest third of the lot removed from a street in lieu of the farthest third. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ 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 Department of Planning (DOP) dated January 31, 2017, indicating their recommendation that the addition not exceed 50% of the existing floor area and therefore not subject to DRP review and that the addition be consistent with the overall colors, fenestration, and architectural character of the primary dwelling. In addition, a ZAC comment was also received from the Bureau of Development Plans Review (DPR) dated January 27, 2017, indicating that the Petitioner is cautioned that the existing shed is

within a slope easement, so it will have to be relocated if and when Boyce Avenue is widened. It is also to be noted that eight (8) neighbors who reside on Boyce Avenue signed a petition in support of Petitioners' zoning request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 22, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 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 § 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 Petitioners.

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 **10th** day of **February, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.B (205.3, R.20 zone) of the Baltimore County Zoning Regulations ("B.C.Z.R) as follows: (1) To permit a side street setback as close as 25 ft. and side street centerline setback as close as 55 ft. in lieu of 40 ft. and 65 ft., and (2) To permit an existing accessory structure (shed) located in the closest third of the lot removed from a street in lieu of the farthest third, be and is hereby

GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
- Petitioners must comply with the ZAC comment submitted by DOP dated January 31, 2017, and DPR dated January 27, 2017; copies of which are 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.

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw