

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(4628 Todd Point Lane)</b>		
15 <sup>th</sup> Election District	*	OFFICE OF ADMINISTRATIVE
7 <sup>th</sup> Council District		
Denise M. Noon	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2017-0243-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, Denise M. Noon (“Petitioner”). The Petitioner is requesting variance relief from §§ 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a side yard setback as close as 8 ft. and a sum of side yard setbacks of 17.9 ft. in lieu of the minimum required 10 ft. and a sum of 25 ft.; and to permit an existing detached accessory structure (hot tub) to be located in the side yard with a setback as close as 1 ft. in lieu of the required rear yard and setback of 2.5 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 April 11, 2017 submitted by the Department of Environmental Protection and Sustainability (DEPS). In addition, a ZAC comment was received from the Bureau of Development Plans Review (DPR) on April 20, 2017, indicating Petitioner must contact the office of the Director of Public Works to determine the flood protection elevation so that the floor elevation can be set.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 26, 2017, 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 **21<sup>st</sup>** day of **April, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a side yard setback as close as 8 ft. and a sum of side yard setbacks of 17.9 ft. in lieu of the minimum required 10 ft. and a sum of 25 ft.; and to permit an existing detached accessory structure (hot tub) to be located in the side yard with a setback as close as 1 ft. in lieu of the required rear yard and setback of 2.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.

- Petitioner must comply with the ZAC comments submitted by DEPS and DPR; 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