

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(9318 Lyonswood Drive)		
2 nd Election District	*	OFFICE OF ADMINISTRATIVE
4 th Council District		
Andre C. & Marian White	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0340-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Andre C. & Marian White (“Petitioners”). The Petitioners are requesting Variance relief from §§ 427.1.B.1 and 427.1.B.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a rear yard fence 6 ft. in height that adjoins the front yard of another in lieu of the maximum allowed height of 42 in. and minimum setback of 10 ft. 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. There were no adverse ZAC comments received by any of the County reviewing agencies. However, it is to be noted that two (2) letters of support were received: On May 11, 2017, the Lyonswood Homeowners Association, Inc., Architecture Review Committee, approved Petitioners’ request, and on May 26, 2017, adjacent neighbor Wayne L. Cook (5 Lancashire Ct.), stated he had no objections to the installation as described.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 2, 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 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 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 27th day of **July, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 427.1.B.1 and 427.1.B.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a rear yard fence 6 ft. in height that adjoins the front yard of another in lieu of the maximum allowed height of 42 in. and minimum setback of 10 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- The Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JEB:dlw

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County