

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1402 Maywood Avenue)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Alex & Mary Hertzman	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2018-0080-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, Alex and Mary Hertzman (“Petitioners”). The Petitioners are requesting Variance relief pursuant to §§ 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a proposed addition with a rear yard setback of 30 ft. in lieu of the required 40 ft., and to permit an existing detached garage located in the side yard in lieu of the rear yard. 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. No adverse ZAC comments were received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 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 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.

Although the Department of Planning did not make any recommendations related to the existing detached garage's height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

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 **13th** day of **October, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for 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 rear yard setback of 30 ft. in lieu of the required 40 ft., and to permit an existing detached garage located in the side yard in lieu of the rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

- Petitioners or subsequent owners shall not convert the existing detached garage into a dwelling unit or apartment. The existing detached garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The existing detached garage shall not be used for commercial purposes.

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