

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b> <b>(2 Farnham Way)</b> 8 <sup>th</sup> Election District 3 <sup>rd</sup> Council District Karen M. Barry Petitioner	* * * * *	BEFORE THE  OFFICE OF ADMINISTRATIVE  HEARINGS FOR  BALTIMORE COUNTY  <b>CASE NO. 2018-0226-A</b>
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**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, Karen M. Barry (“Petitioner”). The Petitioner is requesting Variance relief from §§ 1B01.2.C.2 (V.B.5.a & V.B.5.b) and 303.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit an open projection (deck) with a side yard to tract boundary setback of 20 ft. in lieu of the required 30 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.

It is to be noted that this administrative variance case closed on March 26, 2018 but was not received by OAH until April 5, 2018; the whereabouts of the case file between these dates is unknown.

Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 11, 2018, 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 BCC. Based upon the information available, there is no evidence in the file to indicate that the side and front yard setback variances 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 BCZR. Furthermore, strict compliance with the BCZR 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 BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this **10<sup>th</sup>** day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B01.2.C.2 (V.B.5.a & V.B.5.b) and 303.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit an open projection (deck) with a side yard to tract boundary setback of 20 ft. in lieu of the required 30 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.

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

JEB:dlw

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Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County