

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(30 Arkla Court)</b>		
1 <sup>st</sup> Election District	*	OFFICE OF ADMINISTRATIVE
1 <sup>st</sup> Council District		
Ann M. Holmes	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2018-0258-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, Ann M. Holmes (“Petitioner”). The Petitioner is requesting Variance relief from § 1B02.3.B [211.4; 1965 Zoning Regulations (R-6)] of the Baltimore County Zoning Regulations (“BCZR”), to permit a proposed rear addition with a rear yard setback of 21 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.

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, dated April 10, 2018, indicating the following:

“The submitted site plan shows an existing accessory structure in the former railroad now Baltimore County owned property to the south of the subject site. If it is determined that the shed belongs to the petitioner, approval of the petition should be conditioned upon the removal and /or relocation of said shed off of County owned property.”

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 6, 2018 and April 10, 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 Baltimore County Code (“BCC”). 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 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 27<sup>th</sup> day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B02.3.B [211.4; 1965 Zoning Regulations (R-6)] of the Baltimore County Zoning Regulations (“BCZR”), to permit a proposed rear addition with a rear yard setback of 21 ft. in lieu of the required 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.
2. Petitioner must comply with the DOP ZAC comment, dated April 10, 2018; a copy of which is 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.

JEB:dlw

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