

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(7343 Brightside Road)</b>		
9 <sup>th</sup> Election District	*	OFFICE OF ADMINISTRATIVE
2 <sup>nd</sup> Council District		
Ripley Family Trust	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2018-0276-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, The Ripley Family Trust (“Petitioner”). The Petitioner is requesting Variance relief pursuant to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed addition to the rear of the dwelling with a rear yard setback of 40 feet in lieu of the required 50 feet. 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.

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

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 29, 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.

To be eligible for an administrative variance a petitioner must own and occupy the subject property as his/her principal residence. The state tax records indicate the above property is **not** the principal residence of Petitioner, most likely because the property is owned by a trust rather than an individual. Even so, the file contains a Land Instrument Intake Sheet (recorded among the Baltimore County land records at Liber 35845, folio 180) which reflects the property is “the grantee’s principal residence.” As such, I believe Petitioner is entitled to the administrative variance.

THEREFORE, IT IS ORDERED, this 18<sup>th</sup> day of **May, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a proposed addition to the rear of the dwelling with a rear yard setback of 40 feet in lieu of the required 50 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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

JEB:slh