

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(12813 Cunninghill Cove Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
Michael D. & Fay A. Short	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2018-0314-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, Michael D. and Fay A. Short (“Petitioners”). The Petitioners are requesting Variance relief from § 427.1.B.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit a 6 ft. high fence located in the front yard of the neighboring property in lieu of the required 10 ft. setback. 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 a letter of support was received from an adjacent neighbor (Julie Parker, 12815 Cunninghill Cove Road), who indicated she has no objections and supports Petitioners’ request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 27, 2018, 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 § 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 § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR 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 BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 13th day of **June, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 427.1.B.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit a 6 ft. high fence located in the front yard of the neighboring property in lieu of the required 10 ft. setback, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.
2. Petitioners must prior to issuance of permit(s) comply with Chesapeake Bay Critical Area (“CBCA”) requirements.

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