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| IN RE: PETITION FOR ADMIN. VARIANCE | * | BEFORE THE |
| (1331 Dillon Heights Avenue) | | |
| 1 st Election District | * | OFFICE OF ADMINISTRATIVE |
| 1 st Council District | | |
| Tariq & Donna Khan | * | HEARINGS FOR |
| Petitioners | | |
| | * | BALTIMORE COUNTY |
| | * | CASE NO. 2018-0318-A |

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Tariq and Donna Khan (“Petitioners”). Petitioners are requesting Variance relief pursuant to §§ 303.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit a front yard setback of 7 ft. in lieu of the required front yard average of 20 ft. and a side yard setback of 1 ft. in lieu of the required 10 ft. 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.

It is to be noted that this administrative variance case closed on June 11, 2018 but was not received by OAH until June 21, 2018; the whereabouts of the case file between these dates is unknown.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. Petitioners propose to construct a two-story garage addition to the existing single-family dwelling on the subject property. As shown on the site plan, the side yard setback (nearest to the dwelling at 1333 Dillon Heights Avenue) would be just 1 ft. This is insufficient and would not allow for construction, maintenance, painting, etc. of the addition

without trespassing upon the adjoining property. I am aware that Petitioners at present also own the property at 1333 Dillon Heights, but that might not always be the case and a 1 ft. setback could easily prove problematic now or in the future.

THEREFORE, IT IS ORDERED, this 22nd day of **June, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 303.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit a front yard setback of 7 ft. in lieu of the required front yard average of 20 ft. and a side yard setback of 1 ft. in lieu of the required 10 ft., be and is hereby DENIED.

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