

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(6649 Walnutwood Circle)</b>		
9 <sup>th</sup> Election District	*	OFFICE OF ADMINISTRATIVE
5 <sup>th</sup> Council District		
Robert N. & Megan K. Oster	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2019-0043-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 owners of the property, Robert N. and Megan K. Oster (“Petitioners”). The Petitioners are requesting Variance relief from § 301.1 of the Baltimore County Zoning Regulations (“BCZR”), as follows: (1) To allow a one-story open porch to extend into the side and rear yards as follows: (a) 5.6 ft. of the minimum required width of the 10.4 ft. side yard (54%) in lieu of the permitted 2.60 ft. (25% of 10.4 ft.) which leaves a 4.8 ft. setback, and (b) 5.6 ft. of the minimum required depth of the 10.4 ft. rear yard (54%) in lieu of the permitted 2.60 ft. (25% of 10.4 ft.) which leaves a 4.8 ft. setback; (2) To confirm that the one-story open porch is in accordance with Section 504 and the standards as set forth in the Comprehensive Manual of Development Policies (“CMDP”), and (3) For such other and further relief as may be necessary. 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.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 23, 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 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 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 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 14<sup>th</sup> day of **September, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 301.1 of the Baltimore County Zoning Regulations (“BCZR”), as follows: (1) To allow a one-story open porch to extend into the side and rear yards as follows: (a) 5.6 ft. of the minimum required width of the 10.4 ft. side yard (54%) in lieu of the permitted 2.60 ft. (25% of 10.4 ft.) which leaves a 4.8 ft. setback, and (b) 5.6 ft. of the minimum required depth of the 10.4 ft. rear yard (54%) in lieu of the permitted 2.60 ft. (25% of 10.4 ft.) which leaves a 4.8 ft. setback; (2) To confirm that the one-story open porch is in accordance with Section 504 and the standards as set forth in the Comprehensive Manual of Development Policies (“CMDP”), and (3) For such other and further relief as may be necessary, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

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