

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(6915 Harewood Park Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
Dennis V. & Doris C. Balsarick	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0129-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, Dennis V. and Doris C. Balsarick (“Petitioners”). The Petitioners are requesting Variance relief from § 415A.1.A of the Baltimore County Zoning Regulations (“BCZR”), to permit three (3) recreational vehicles [two (2) boats on trailers and one (1) miscellaneous trailer] to be stored on the property, and to allow the two (2) boats on trailers to be parked in the front driveway, in lieu of the maximum of one (1) recreational vehicle stored in the side or rear of the property. 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. In its ZAC comment, the Department of Planning (“DOP”) indicated Petitioners have since March 20, 2017 received “multiple code enforcement complaints” regarding the recreational vehicles on the subject property. The Office of Zoning Review (“OZR”) noted that Petitioners have moved all of the RVs from the property and are “currently in compliance” but propose to keep at the property two (2) boats on trailers and one “small, miscellaneous flatbed trailer.”

As the code enforcement official indicated in his complaint report, a boat and the trailer on which it is stored are considered one (1) RV. A “flatbed trailer” is not a recreational vehicle as defined in § 101.1 of the BCZR. Instead, it is a utility or business vehicle, the requirements for which are contained in BCZR § 415. As such, the variance request for storage of two (2) RVs will be granted and the request regarding the trailer will be denied.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 28, 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 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 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 **16th** day of **November, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 415A.1.A of the Baltimore County Zoning Regulations (“BCZR”), to permit two (2) RVs to be stored on the property (in the front of the home) in lieu of the maximum allowed one (1) RV in the side yard, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance from § 415A.1.A of the Baltimore County Zoning Regulations (“BCZR”), to permit the storage on the subject property of a miscellaneous flatbed trailer, be and is hereby DENIED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
- Petitioners must comply with the critical area and flood protection regulations.

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