

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(11701 Freeland Road)		
6 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Linda C. Noel	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0412-A

* * * * *

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 owner of the subject property, Linda C. Noel (“Petitioner”). The Petitioner is requesting Variance relief pursuant to Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (“BCZR”), to permit a proposed dwelling addition (attached garage) with a lot line setback as close as 8 ft. in lieu of the minimum required 35 ft., street centerline setback of 35 ft. in lieu of the minimum required 75 ft. 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.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability (“DEPS”) dated August 7, 2019 indicating the following:

“Ground Water Management must review any proposed addition/garage building permit, since the property is served by well and septic. Also, the proposed plan shows the garage going right up to the existing wall – which would require a well variance, and may not even be approved possibly.”

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 10, 2019, 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.

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 **10th** day of **September, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (“BCZR”), to permit a proposed dwelling addition (attached garage) with a lot line setback as close as 8 ft. in lieu of the minimum required 35 ft., street centerline setback of 35 ft. in lieu of the minimum required 75 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.
- Petitioner must comply with the DEPS ZAC comment dated August 7, 2019; a copy of which is attached hereto and made a part hereof.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

____ Signed _____
LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County

LMS:dlw