

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(7109 Oxford Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Barry L. Miller & Beverly L. Brandon	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0429-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 owners of the property, Barry L. Miller and Beverly L. Brandon (“Petitioners”). The Petitioners are requesting Variance relief pursuant to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit a proposed addition to the rear of the dwelling with a yard setback of 7 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.

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 from any of the County reviewing agencies. However, it is to be noted that a letter of support was received from an adjacent neighbor who resides at 7111 Oxford Road and has indicated she has no objections to the Petitioners’ zoning request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 25, 2019, 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 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 17th day of **September, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit a proposed addition to the rear of the dwelling with a yard setback of 7 ft. in lieu of the required 10 ft., be and is hereby GRANTED.

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.

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

LMS:dlw

Signed
LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County