

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W side of McShane Way; 448 feet S of		
the c/l of Broening Road	*	OFFICE OF
12 th Election District		
7 th Councilmanic District	*	ADMINISTRATIVE HEARINGS
(3432 McShane Way)	*	FOR BALTIMORE COUNTY
Regina G. and William A. Ehinger, III		
<i>Petitioners</i>	*	Case No. 2012-0002-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Regina G. and William A. Ehinger, III for property located at 3432 McShane Way. The variance request is from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a shed with a side yard setback of 1 foot and a rear yard setback to the centerline of an alley of 9 feet in lieu of the required 2.5 feet and 15 feet, respectively. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to install a shed measuring 10 feet x 16 feet to contain tools and yard equipment. Mr. Ehinger is a steel worker and possesses an unusual amount of bulky and oversized tools that are necessary for his job. These expensive items need to be stored and cared for in an enclosed structure which is organized, readily accessible, and secure. An aerial photograph of the area shows that many properties in the area enjoy sheds of various sizes in different locations.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 17, 2011, 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. 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 B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. 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 Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 9 day of August, 2011 that a variance from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a shed with a side yard setback of 1 foot and a rear yard setback to the centerline of an alley of 9 feet in lieu of the required 2.5 feet and 15 feet, respectively be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit 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, the 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 _____
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

