

**IN RE: PETITION FOR ADMIN. VARIANCE**  
W side of Old Harford Road; NW corner  
of Wycliffe Road and Old Harford Road  
9<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
**(7410 Old Harford Road)**

Allan R. and Karen A. Swenson  
*Petitioners*

\* BEFORE THE  
\* OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2012-0081-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, Allan R. and Karen A. Swenson for property located at 7410 Old Harford Road. The variance request is from Section 427 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a 6 foot residential fence with a 0 foot setback in the rear yard of a single family dwelling that adjoins the front yard of another residence in lieu of the required 42 inch high fence or a 10 foot setback for a fence over 42 inches. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. The photographs show that there is an existing chain link fence in the rear yard and the side yards. The neighbors’ sides of the fence are heavily landscaped. None of the neighbors expressed any concern with the taller fence or the location of the fence.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 2, 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 24 day of October, 2011 that a Variance from Section 427 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a 6 foot residential fence with a 0 foot setback in the rear yard of a single family dwelling that adjoins the front yard of another residence in lieu of the required 42 inch high fence or a 10 foot setback for a fence over 42 inches, 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

