

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE
W side of Delk Court; 120' S of the	*	OFFICE OF ADMINISTRATIVE
c/line of Norris Lane	*	HEARINGS FOR
15 <sup>th</sup> Election District	*	BALTIMORE COUNTY
7 <sup>th</sup> Council District	*	
<b>(2701 Delk Court)</b>	*	<b>CASE NO. 2012-0106-A</b>
Timothy A. Tribble		
Petitioner		

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the property, Timothy Tribble. The Petitioner is requesting Variance relief from Section 303.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a front yard setback of 20 feet in lieu of the maximum required front yard average of 40 feet. 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.

Appearing at the public hearing in support of the variance request was Petitioner Timothy A. Tribble. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. There were no Protestants or other interested persons in attendance and the file does not contain any letters of protest or opposition.

Testimony and evidence offered revealed that the subject property is located on a cul-de-sac and is comprised of 2 lots (Lots 19 & 20) as shown on Exhibit 1. The Petitioner proposes to construct a new dwelling on the site, but to do so will need variance relief for the front yard setback. The property line at the cul-de-sac is not straight; in fact, the eastern boundary line of the site curves quite a bit along the contours of the cul-de-sac. This complicates site planning, and in order for Petitioner to orient the home as he desires on the site, variance relief is required.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure (i.e., the irregular dimensions of the lot) which is the subject of the variance request.

I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Petitioner indicated that his neighbors are supportive of his request, and are happy that he is constructing a new dwelling on the site. Therefore, in all manner and form, I find that variance relief can be granted in accordance with the requirements of Section 307 of the B.C.Z.R. as articulated in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 16th day of December, 2011 by this Administrative Law Judge that Petitioner's Variance request from Section 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front yard setback of 20 feet in lieu of the maximum required front yard average of 40 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired.

If for whatever reason, this Order is reversed, the Petitioner will 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.

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Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:sma