

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
15 th Election District		
6 th Councilmanic District	*	OFFICE OF
(2609 Bauernschmidt Drive)		
Scott Nortman	*	ADMINISTRATIVE HEARINGS
Petitioner		
	*	FOR BALTIMORE COUNTY
	*	Case No. 2013-0210-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Scott Nortman, for property located at 2609 Bauernschmidt Drive. The variance request is from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a proposed open projection (deck) to have a side yard setback of 1 ft. in lieu of the required 7.5 ft. The subject property and requested relief are more particularly described on 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 on April 22, 2013 from the Department of Environmental Protection and Sustainability (DEPS) indicating that Petitioner must comply with B.C.Z.R. Section 500.14.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 29, 2013, 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. 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 Petitioner.

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 22nd day of April, 2013 that a Variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a proposed open projection (deck) to have a side yard setback of 1 ft. in lieu of the required 7.5 ft., be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner must comply with the ZAC comments submitted by the Department of Environmental Protection and Sustainability (DEPS) dated April 22, 2013; a copy of which is attached 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
Managing Administrative Law Judge
for Baltimore County

LMS:dlw