

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(8340 Scotts Level Road)</b>		
2 <sup>nd</sup> Election District	*	OFFICE OF ADMINISTRATIVE
2 <sup>nd</sup> Council District		
Ronald Dupye	*	HEARINGS FOR
Petitioner	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2021-0042-A</b>

\* \* \* \* \*

**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 owner of the subject property, Ronald Dupye (“Petitioner”). The Petitioner is requesting Variance relief pursuant to Baltimore County Zoning Regulations (“BZCR”) § 1B02.3.A for a residential lot on a recorded plat approved by the Baltimore County Planning Board vested in the 1965 Zoning Regulations to approved a proposed addition with a proposed side yard setback of 0 (zero) ft. on the eastern side and the existing 4'-8'1/4' ft. at the western side yard for a proposed sum of side yard 4'-8-1/4' feet, in lieu of the required minimum 8 ft. minimum side yard setback with a required minimum sum of 20 ft. In the event the zero (0) ft. setback is denied, Petitioner is requesting that a 2 ft. side yard setback be considered as an alternative. 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.

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.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 28, 2021, 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 § 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 to comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioner.

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 22<sup>nd</sup> day of **April, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulations (“BZCR”) § 1B02.3.A for a residential lot on a recorded plat approved by the Baltimore County Planning Board vested in the 1965 Zoning Regulations to approved a proposed addition with a proposed side yard setback of 0 (zero) ft. on the eastern side and the existing 4'-8'1/4' ft. at the western side yard for a proposed sum of side yard 4'-8-1/4' feet, in lieu of the required minimum 8 ft. minimum side yard setback with a required minimum sum of 20 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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, Petitioner 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 \_\_\_\_\_  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM:dlw