

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2938 Edgewood Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
Kimberly Guercio	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2021-0089-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owner of the property, Kimberly Guercio (“Petitioner”). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 1B02.3.C.1 to permit a side yard deck with a side setback of 4 ft. in lieu of the required 7.5 ft. 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 submitted by any of the County reviewing agencies. However, it is to be noted that a letter of support was contained in the case file from an adjacent neighbor at 2936 Edgewood Avenue who indicated their support of the Petitioner’s zoning request.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 9, 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 Baltimore County Code (“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 that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR 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 BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 30th day of **April, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the BCZR § 1B02.3.C.1 to permit a side yard deck with a side setback of 4 ft. in lieu of the required 7.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for the 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/her 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