

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2441 Hunt Drive)		
3rd Election District	*	OFFICE OF ADMINISTRATIVE
2nd Council District		
Naftoli & Shifra Tropper	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2021-0119-A

* * * * *

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 owners of the subject property, Naftoli and Shifra Tropper (“Petitioners”). The Petitioners are requesting Variance relief pursuant to Baltimore County Zoning Regulations (“BZCR”) § 1B02.3.B and § III-A.C.2, (1955 BCZR) to permit an addition in the front yard with a front yard setback of 34 ft. in lieu of the front yard average of 55 feet-9 in (55.4 ft.) required. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 2, 2021, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. However, it is to be noted that this Administrative Variance case closed on May 17, 2021 but was not received by OAH until August 3, 2021; the whereabouts of the case file between these dates is unknown.

The Petitioners have 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 Petitioners.

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 9th day of **August, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulations (“BZCR”) § 1B02.3.B and § III-A.C.2, (1955 BCZR) to permit an addition in the front yard with a front yard setback of 34 ft. in lieu of the front yard average of 55 feet-9 in (55.4 ft.) required, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits 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, 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
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw