

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N side of Saxony Court; 265 feet NE		
of the c/l of Eden Roc Way	*	OFFICE OF ADMINISTRATIVE
3 rd Election District		
2 nd Council District	*	HEARINGS FOR
(6 Saxony Court)		
	*	BALTIMORE COUNTY
Louis C. and Paula P. Berger		
<i>Petitioners</i>	*	CASE NO. 2012-0316-A

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, Louis C. and Paula P. Berger. The Petitioners are requesting Variance relief from Section 1B02.3.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a side yard setback of 15 feet minimum in lieu of the required 20 feet while still complying with the 50 feet total required for a proposed garage addition. 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability dated July 11, 2012, which state:

Environmental Impact Review (EIR) comments:

1. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Groundwater Management (GWM) comments:

1. Groundwater Mgmt. must review any proposed bldg. permits for this site, especially for setbacks to the septic system &/or well.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 24, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have 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 Petitioners.

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, this 16 day of July, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 1B02.3.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a side yard setback of 15 feet minimum in lieu of the required 20 feet while still complying with the 50 feet total required for a proposed garage addition, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their building permit 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.
2. Compliance with the ZAC comments made by the Department of Environmental Protection and Sustainability dated July 11, 2012, a copy of which is attached hereto 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:pz