

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NE corner of Eastern Avenue and		
Birdwood Avenue	*	OFFICE OF ADMINISTRATIVE
15 th Election District		
6 th Council District	*	HEARINGS FOR
(13215 Eastern Avenue)		
	*	BALTIMORE COUNTY
Theresa Ann and Edward G. Reckley, Sr.		
<i>Petitioners</i>	*	CASE NO. 2012-0290-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, Theresa Ann and Edward G. Reckley, Sr. The Petitioners are requesting Variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (proposed garage) be located in the rear yard closest to the road, and to permit an existing accessory structure (existing swimming pool) to be located in the side yard in lieu of the required third part of the rear yard farthest removed from the road and the rear yard, respectively. 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. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 20, 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 18 day of June, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (proposed garage) be located in the rear yard closest to the road, and to permit an existing accessory structure (existing swimming pool) to be located in the side yard in lieu of the required third part of the rear yard farthest removed from the road and the rear yard, respectively, 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.

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