

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(12905 Tufton Woods Court)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Robert A. and Jennifer H. Seidel	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2014-0215-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 property, Robert A. and Jennifer H. Seidel. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“B.C.Z.R.”), as follows: (1) To permit a proposed addition (family room) on the side of existing dwelling with a side yard setback of 46.833 ft. in lieu of the required 50 ft., and (2) To amend the Final Development Plan (FDP) of Tufton Springs II, Lot No. 13 only. 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. There were no adverse ZAC comments submitted from any of the County reviewing agencies. However, it is to be noted that a letter of support was received from adjacent neighbors at 12908 and 12909 Tufton Woods Court.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 27, 2014, 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 (B.C.C.). 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 15th day of May, 2014 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“B.C.Z.R.”), as follows: (1) To permit a proposed addition (family room) on the side of existing dwelling with a side yard setback of 46.833 ft. in lieu of the required 50 ft., and (2) To amend the Final Development Plan (FDP) of Tufton Springs II, Lot No. 13 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for any 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 _____
LAWRENCE M. STAHL
Managing Administrative Law Judge for
Baltimore County

LMS:dlw