

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(12428 Park Heights Avenue)		
4 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Meyerhoff Irrevocable Trust,	*	HEARINGS FOR
<i>Legal Owner</i>		
Max E. Blumenthal and	*	BALTIMORE COUNTY
Thomas F. O’Neil, Jr., <i>Trustees</i>		
Petitioners	*	CASE NO. 2014-0184-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the trustees of the property, Max E. Blumenthal and Thomas F. O’Neil, Jr., on behalf of the Meyerhoff Irrevocable Trust, legal owner (“Petitioners”). The Petitioners are requesting Variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (pool and deck) in the side yard of the house in lieu of the rear yard. 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.

It is to be noted that this administrative variance case closed on April 7, 2014 but was not received by OAH until May 1, 2014; the whereabouts of the case file between these dates is unknown.

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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 23, 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 B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 1st day of May, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (pool and deck) in the side yard of the house in lieu of the rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- The 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
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw