

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
SE corner of Neepier Road and West		
Geipe Road	*	OFFICE OF
1 st Election District		
1 st Councilmanic District	*	ADMINISTRATIVE HEARINGS
(445 Neepier Road)		
	*	FOR BALTIMORE COUNTY
Roger and Catherine Acker		
<i>Petitioners</i>	*	Case No. 2012-0115-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Roger and Catherine Acker for property located at 445 Neepier Road. The variance request is from Sections 1B01.2.C and 504.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open projection (deck/screened porch) with a 12 foot rear yard setback in lieu of the required 22.5 feet, and to amend the latest Final Development Plan for Westchester Oaks, Lot 8 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to build a deck over an existing stamped concrete patio to provide additional space for the growing family. The property is located at the corner of Neepier Road and West Geipe Road. The rear of Petitioners’ property backs to Hahn Avenue, a paper street. The most affected property owner at 443 Neepier Road did not express any concern about the variance.

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 November 6, 2011, 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, by the Administrative Law Judge for Baltimore County, this 29 day of November, 2011 that a Variance from Sections 1B01.2.C and 504.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open projection (deck/screened porch) with a 12 foot rear yard setback in lieu of the required 22.5 feet, and to amend the latest Final Development Plan for Westchester Oaks, Lot 8 only, be and is hereby GRANTED, subject to the following:

1. The 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, the 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 _____
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz