

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Sproul Court; 700 feet SW
of the c/l of Maxa Court
15th Election District
6th Councilmanic District
(31 Sproul Court)

Harry M. Schleicher
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0255-A**

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Harry M. Schleicher. The variance request is from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) [Sections 1B01.2.C.1 and 504 of the 1986 zoning regulations and Section V.B.3 of the 1986 Comprehensive Manual of Development Policies] to permit a proposed dwelling addition with a building to building separation (no side window) of 10 feet in lieu of the minimum required 25 feet, and to amend the latest Final Development Plan of Cunninghill Cove Addition, Lot 66 only. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 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 May 10, 2012, which state:

While the property is partially within the Chesapeake Bay Critical Area, the addition is not proposed in the Critical Area.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 22, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.

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 22 day of May, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) [Sections 1B01.2.C.1 and 504 of the 1986 zoning regulations and Section V.B.3 of the 1986 Comprehensive Manual of Development Policies] to permit a proposed dwelling addition with a building to building separation (no side window) of 10 feet in lieu of the minimum required 25 feet, and to amend the latest Final Development Plan of Cunninghill Cove Addition, Lot 66 only, be and is hereby GRANTED.

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The in-law apartment use is subject to Baltimore County Council Bill 49-11 and all of the restrictions and conditions therein.
3. Petitioner must record among the Land Records of Baltimore County – and provide to Baltimore County evidence of such filing – the affidavit attached hereto, known as the Declaration of Understanding.

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