

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
S side of Offspring Court, 382' S of the		
c/line of Killbride Court	*	OFFICE OF
11 <sup>th</sup> Election District		
5 <sup>th</sup> Councilmanic District	*	ADMINISTRATIVE HEARINGS
<b>(25 Offspring Court)</b>	*	FOR BALTIMORE COUNTY
Mike and Eileen Aubele	*	<b>Case No. 2012-0298-A</b>
<i>Petitioners</i>	*	

\* \* \* \* \*

**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, Mike and Eileen Aubele for property located at 25 Offspring Court. The variance request is from Sections 1B02.3.B, 301 and 504.2 of the 1985 Baltimore County Zoning Regulations (“B.C.Z.R.”) and Sections V.B.6.b and V.B.6.7 of the Comprehensive Manual of Development Policies (1985) as follows:

- To permit a proposed deck addition (open projection) with a side setback of zero (0) feet in lieu of the minimum required 11.5 feet,
- To permit private yard space of 331 square feet in lieu of the minimum required 500 square feet, and
- To amend the latest Final Development Plan for the Meadows at Perry Hall, Lot 23 only.

The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 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 July 15, 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, by the Administrative Law Judge for Baltimore County, this 16<sup>th</sup> day of August, 2012, that a variance from Sections 1B02.3.B, 301 and 504.2 of the 1985 Baltimore County Zoning Regulations (“B.C.Z.R.”) and Sections V.B.6.b and V.B.6.7 of the Comprehensive Manual of Development Policies (1985) as follows:

- To permit a proposed deck addition (open projection) with a side setback of zero (0) feet in lieu of the minimum required 11.5 feet,
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be and are hereby GRANTED, subject to the following:

1. The Petitioners may apply for their 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, 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.

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Signed \_\_\_\_\_  
LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS/dlw