

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
NE side of Falls, 147' SE from the		
c/l of Ivy Hill Road	*	OFFICE OF ADMINISTRATIVE
8 <sup>th</sup> Election District		
2 <sup>nd</sup> Council District	*	HEARINGS FOR
<b>(12519 Falls Road)</b>		
	*	BALTIMORE COUNTY
Ingeborg and Domenico Occorso		
Petitioners	*	<b>CASE NO. 2013-0021-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by the legal owners, Ingeborg and Domenico Occorso. The Petitioners are requesting Variance relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a replacement dwelling with a side yard setback of 17' in lieu of the required 50' for a garage<sup>1</sup>. 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.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 12, 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

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<sup>1</sup> Petitioners sought similar relief in Case No. 2012-0208-A; however, due to an error in calculations, a side yard setback of 23' was requested instead of the needed 17'. This Order will allow the additional 6' setback relief to accommodate the proposed garage.

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, this 30<sup>th</sup> day of August, 2012, by this Administrative Law Judge that Petitioners' Variance request from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit to permit a replacement dwelling with a side yard setback of 17' in lieu of the required 50' for a garage, be and is hereby GRANTED.

1. 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, 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  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:dlw