

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Aubree Lane, 160 feet N of
the c/l of Lipscomb Way
11th Election District
5th Councilmanic District
(5612 Aubree Lane)

Kathleen M. and John F. Legere, Sr.
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0268-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, Kathleen M. and John F. Legere, Sr. for property located at 5612 Aubree Lane. The variance request is from Sections 1B01.2.C.1 and 301.1.A and 504.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (deck) with 14 feet rear setback in lieu of the required 22.5 feet, and to amend the latest Final Development Plan for Mayfield/Day Property, Lot 14 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners' dwelling was constructed 25 feet from the front property line and 30 feet from the rear property line. The adjacent dwelling at 5610 Aubree Lane is constructed 42 feet from the rear property line. Petitioners' deck will be constructed 16 feet from the rear property line; the steps leading from the deck to the backyard will be 14 feet from the rear property line. Outside stairs leading to the basement are located at the rear of the dwelling and this limits where along the rear of the home that the proposed deck can be constructed. Photographs submitted with the Petition clearly show that the properties located at 5610 and 5614 Aubree Lane enjoy decks as well as other properties in the immediate area.

ORDER RECEIVED FOR FILING

Date 4-11-11

By [Signature]

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 March 16, 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.

A deck smaller than proposed would not be of sufficient size to allow the Petitioners to have a table, chairs and a grill on the deck. Petitioners would be unable to enjoy reasonable use of the property, suffering further practical difficulty. The use of a deck is enjoyed by the surrounding property owners, as evidenced by the photographs submitted by 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 11th day of April, 2011 that a variance from Sections 1B01.2.C.1 and 301.1.A and 504.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (deck) with 14 feet rear setback in lieu of the required 22.5 feet, and to amend the latest Final

ORDER RECEIVED FOR FILING

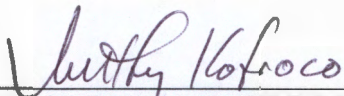
Date 4-11-11

By [Signature]

Development Plan for Mayfield/Day Property, Lot 14 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.

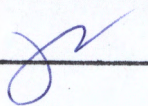
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 4-11-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 11, 2011

KATHLEEN M. AND JOHN F. LEGERE, SR.
5612 AUBREE LANE
WHITE MARSH MD 21162

Re: Petition for Administrative Variance
Case No. 2011-0268-A
Property: 5612 Aubree Lane

Dear Mr. and Mrs. Legere:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5612 AUBREE LANE, WHITE MARSH MD 21162
which is presently zoned D.R. 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1001.2C.1., 301.1A., 504.2 (DCZR)

TO PERMIT AN OPEN PROJECTION (DECK) WITH A 14-FOOT REAR SETBACK
IN LIEU OF THE REQUIRED 22.5-FOOT AND TO AMEND THE LATEST F.D.P.
FOR "MAYFIELD/DAY PROPERTY", LOT 14 ONLY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Date 4/11/11 Telephone No. _____
City _____ By [Signature] State _____ Zip Code _____

Legal Owner(s):

JOHN FRANKLIN LEGERE SR.
Name - Type or Print _____
Signature [Signature] _____
KATHLEEN MARIA LEGERE
Name - Type or Print _____
Signature Kathleen M. Legere _____
5612 AUBREE LANE 443-895-5296
Address Telephone No. _____
WHITE MARSH MD 21162
City State Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2011-0268-A

REV 10/25/01

Reviewed By D.T. Date 3/16/11

Estimated Posting Date 3/20/11

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 5112 AUBREE LANE
Address
WHITE MARSH MD
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Due to the house being built with 30' from rear setback, the deck we would be allowed to build would be too small to use + enjoy.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John F. Legere
Signature
JOHN F. LEGERE
Name - Type or Print

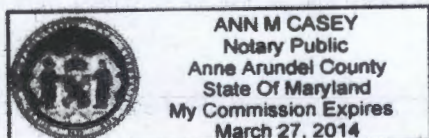
Kathleen M. Legere
Signature
Kathleen M. Legere
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of March, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maylene,
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public
My Commission Expires Mar 27 2014

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 5612 AUBREE LANE,
WHITE MARSH, MD 21162, BEING LOT #14, IN THE
SUBDIVISION OF Mayfield/DAY ESTATES AS RECORDED
IN BALTIMORE COUNTY PLAT BOOK # 5M78, FOLIO # 229,
CONTAINING 0.161 ACRES / 701316 SQUARE FEET. ALSO
KNOWN AS 5612 AUBREE LANE, WHITE MARSH, MD 21162
AND LOCATED IN THE 11th ELECTION DISTRICT, 5th
COUNCILMANIC DISTRICT. LOCATED ON THE EAST
SIDE OF AUBREE LANE 160-FEET NORTH OF
CENTERLINE OF LIPSCOMB WAY.

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EXISTING DWELLING- LOT #14
5612 AUBREE LANE, WHITE MARSH MD 21162



EXISTING DWELLING- LOT #14
5612 AUBREE LANE, WHITE MARSH, MD 21162

AREA OF PROPOSED CHANGE - DECK

2011-0268-A



LOT 14 - EXISTING DWELLING
5612 AUBREE LANE, WHITE MARSH, MD 21162



EXISTING DWELLING - LOT #14
5612 AUBREE LANE, WHITE MARSH, MD 21162
AREA OF PROPOSED CHANGE - DECK

2011-0268-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

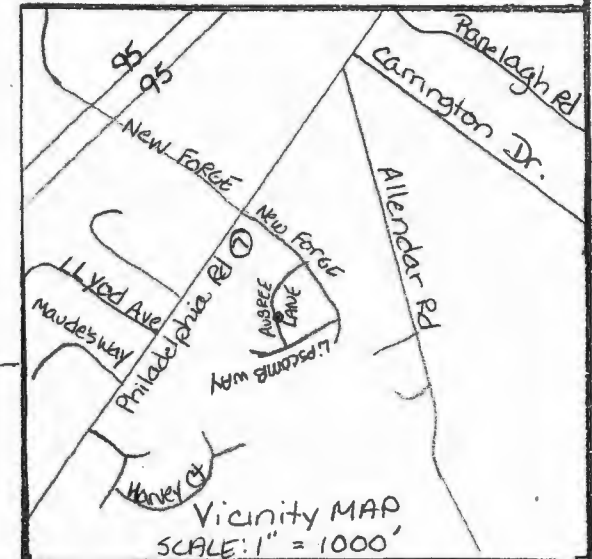
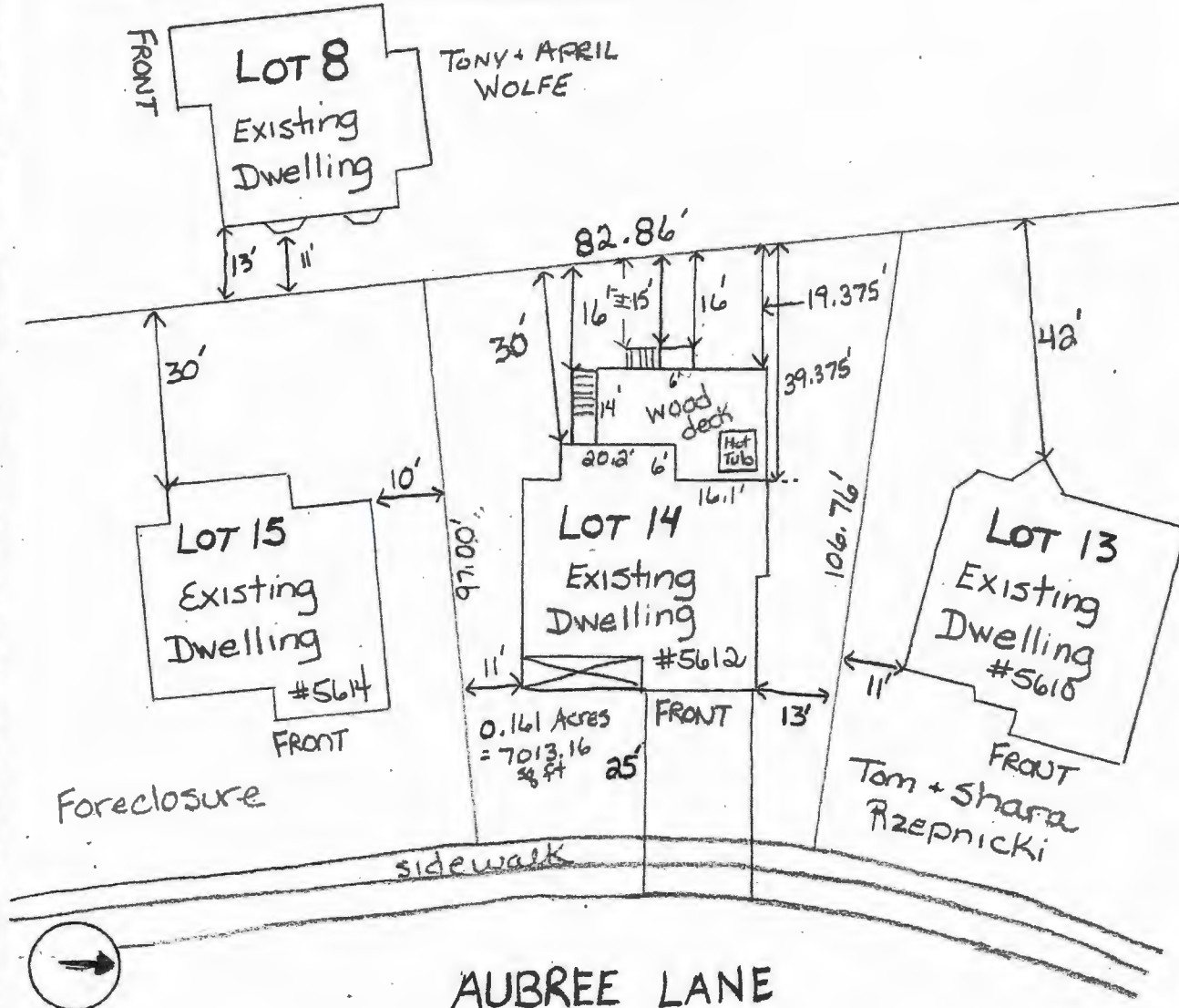
PROPERTY ADDRESS 5612 AUBREE LANE, 21162

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Mayfield/Day Property - Mayfield Estates

PLAT BOOK #5M78 FOLIO #229 LOT # 14 SECTION # _____

OWNER JOHN AND KATHLEEN LEGERE



LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 073A1

ZONING D.R. 3.5

LOT SIZE 0.161 ACRES 7013.16 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/BUILDING	☐	☒
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PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T.

0268

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PREPARED BY K.L.

SCALE OF DRAWING: 1" = 30'