

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(15744 Dover Road)		
4 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
John & Valli Degele	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2021-0321-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners John and Valli Degele (“Petitioners”) of the property located at 15744 Dover Road, Upperco (the “Property”). Petitioners are requesting Variance relief pursuant to Baltimore County Zoning Regulations (“BZCR”), §1A01.3.B.3 to permit a dwelling addition (right side) with a side yard setback of 8 ft. in lieu of the required 35 ft. The Property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”), dated November 17, 2021, indicating that development of the property must comply with the Forest Conservation Regulations. In addition, a letter of support was contained in the case file from Robert and Judith Dreyer who reside at 15746 Dover Road, indicating they have no objections to the zoning variance relief being requested.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 14, 2021, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Based upon the DEPS ZAC comment dated November 17, 2021 (a copy of which is attached hereto) requiring the Petitioners to obtain relief from DEPS if any, and/or compliance with the DEPS ZAC Comment, of the 35 setback from the Forest Conservation Easement (which is separate from the requested zoning variance), Petitioners will need to obtain any required environmental approvals prior to a decision on this zoning variance. Accordingly, based on the provisions of both the BCC and the BCZR, and for the reasons given above, the requested zoning variance will be stayed, pending any and all necessary DEPS approvals.

THEREFORE, IT IS ORDERED, this **9th** day of **December, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulations (“BZCR”), §1A01.3.B.3 to permit a dwelling addition (right side) with a side yard setback of 8 ft. in lieu of the required 35 ft., be and is hereby **STAYED**, pending all approvals from DEPS if any, and/or compliance with the DEPS ZAC Comment dated November 17, 2021, in regard to the 35 setback from the Forest Conservation Easement (which is separate from the requested zoning variance).

The relief granted herein shall be subject to the following:

1. Petitioners must comply with the DEPS ZAC comment; a copy of which is attached hereto and made a part thereof.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw