

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Newmarket Court, 330 feet SE
of the c/l of Altamont Avenue
1st Election District
1st Councilmanic District
(115 New Market Court)

Jane W. Reilly and Jacob P. Laaveg
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0035-A**

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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, Jane W. Reilly and Jacob P. Laaveg for property located at 115 New Market Court. The variance request is from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition (shed) with a building to building setback of 16 feet in lieu of the required 20 feet, and to amend the latest Final Development Plan for Paradise Village, Lot 11 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to add an attached storage shed to the side of the garage wall. The shed will be 4 feet deep, 8 feet 8 inches wide and 10 feet tall with a cement slab foundation. Construction materials will match the existing house in all aspects – siding, trim, slanted roof material to be the same as either the metal roof of the bay window or the shingled roof of the house. This proposed shed will blend in with the side of the dwelling. Petitioners’ garage is very small and only 12 feet long x 16 feet long. They need additional storage space for outdoor maintenance materials, tools, and equipment. Due to the placement of the windows and door they cannot attach a shed on the rear wall of the house. The Homeowners Association does not allow an outdoor, detached shed on the property.

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 August 14, 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.

Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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 7th of September, 2011 that a variance from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition (shed) with a building to building

setback of 16 feet in lieu of the required 20 feet, and to amend the latest Final Development Plan for Paradise Village, Lot 11 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.

Signed _____
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz