

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
N/S of Belfast Road, 1,250' E of c/line of		
Wheeler Avenue	*	OFFICE OF
8 <sup>th</sup> Election District		
3 <sup>rd</sup> Councilmanic District	*	ADMINISTRATIVE HEARINGS
<b>(1112 Belfast Road)</b>	*	FOR BALTIMORE COUNTY
Bartholomew F. Rommel	*	<b>Case No. 2012-0037-A</b>
<i>Petitioner</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, Bartholomew F. Rommel for property located at 1112 Belfast Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an accessory structure (garage) to be located in the side/front yard with a height of 18 feet in lieu of the required rear yard and height of 15 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner wishes to construct an authentic post-and-beam garage (detached) measuring 24' feet x 28' feet in size to be located in the front/side yard approximately 66 feet from the dwelling. The home is located in a rural agricultural area and there are no adjacent homes within view of the garage placement. None of the neighbors expressed any concern about the requested relief. The property contains 1.291 acres and is zoned R.C.2.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability, dated September 7, 2011, which indicate that:

“A future building permit for a garage will need review by Groundwater Mgmt”.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 21, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 **16<sup>th</sup>** day of September, 2011 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an accessory structure (detached garage) to be located in the side/front yard with a height of 18 feet in lieu of the required rear yard and height of 15 feet, be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.
4. The Groundwater Management Division of Department of Environmental Protection and Sustainability shall review the proposed building permit for the accessory structure (garage).

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

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Signed  
TIMOTHY M. KOTROCO  
Administrative Law Judge  
for Baltimore County

TMK/dlw