

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NW corner of Grist Stone Way and		
Millpond Court	*	OFFICE OF
4 th Election District		
4 th Councilmanic District	*	ADMINISTRATIVE HEARINGS
(100 Grist Stone Way)		
	*	FOR BALTIMORE COUNTY
Julia Monikang and Curtland Tabong		
<i>Petitioners</i>	*	Case No. 2012-0182-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, Julia Monikang and Curtland Tabong. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an existing detached accessory structure (shed) to be located in the side yard in lieu of the required rear, and to amend the Final Development Plan of The Mills of Owings Mills, Lot 18 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1.

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.

A letter dated February 17, 2012, was received from the Mill Run Homeowners Association which states in part: “While the officers have no objection to the proposed variance to allow the shed erected on the corner of the lot adjacent to Millpond Court and Grist Stone Way, it is requested that the variance, if approved, would include a requirement that the shed must be continuously surrounded by trees or shrubs that hide the view of the shed from both Grist Stone Way and Millpond Court. The reason for this is that the variance would permanently amend the plan for Lot

18 and if there is a future change of ownership, such a shield of greenery would be maintained.” I will impose a condition that the existing shed be surrounded by trees and/or shrubs that hide the view of the shed from Grist Stone Way and Millpond Court.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 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 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, by the Administrative Law Judge for Baltimore County, this 9 day of March, 2012 that the Petition for Administrative Variance under Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an existing detached accessory structure (shed) to be located in the side yard in lieu of the required rear, and to amend the Final Development Plan of The Mills of Owings Mills, Lot 18 only, be and is hereby GRANTED, subject to the following:

1. The existing shed shall be surrounded by trees and/or shrubs that hide the view of the shed from Grist Stone Way and Millpond Court. This vegetative cover shall be maintained in such a manner so as to continuously shield the structure from view of the roadway. This restriction, which touches and concerns the subject property, shall run with the land and bind all future owners and/or successors.

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

_____Signed_____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz