

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
E side of Jerico Road; 2,800 feet S of		
the intersection of Jerusalem Road	*	OFFICE OF
11 <sup>th</sup> Election District		
3 <sup>rd</sup> Councilmanic District	*	ADMINISTRATIVE HEARINGS
<b>(12235 Jerico Road)</b>		
	*	FOR BALTIMORE COUNTY
Jana M. Von Bramer		
<i>Petitioner</i>	*	<b>Case No. 2012-0314-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Jana M. Von Bramer. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an accessory structure (outdoor shelter) to be placed in the front and side yards in lieu of the required placement in the rear yard and to permit a side yard setback of 1.5 feet in lieu of the required 2.5 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1.

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 July 11, 2012 which state:

Groundwater Management needs to review any building permits for this site since the house is served by well and septic. Also, the well appears close to where this proposed shelter should be placed.

Comments were received from the Department of Planning dated June 15, 2012 which state:

The Department of Planning has reviewed the petitioner’s request and accompanying site plan. The existing structure is on the Baltimore County Final Landmarks List # 142 and is located on Jericho Road a Baltimore County designated scenic route. The Department of Planning supports the

petitioner's request provided the accessory structure is not attached to the landmarked structure. In the alternative if the structure is attached, approval is conditioned upon review and approval by the Baltimore County Landmarks Preservation Commission.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 24, 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 Petitioner.

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, this 16 day of July, 2012 by the Administrative Law Judge for Baltimore County, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (outdoor shelter) to be placed in the front and side yards in lieu of the required placement in the rear yard and to permit a side yard setback of 1.5 feet in lieu of the required 2.5 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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. Compliance with the ZAC comments made by the Department of Environmental Protection and Sustainability dated July 11, 2012, a copy of which is attached hereto and made a part hereof.
3. Compliance with the ZAC comments made by the Department of Planning dated June 15, 2012, a copy of which is attached hereto and made a part hereof.

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

Signed \_\_\_\_\_  
LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS/pz