

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
11 <sup>th</sup> Election District		
3 <sup>rd</sup> Councilmanic District	*	OFFICE OF
<b>(13035 Long Green Pike)</b>		
Richard and Dawn M. Huffman	*	ADMINISTRATIVE HEARINGS
Petitioners	*	FOR BALTIMORE COUNTY
	*	<b>Case No. 2013-0169-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Richard and Dawn M. Huffman, for property located at 13035 Long Green Pike. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit the existing dwelling with a height of 24’, to remain as an accessory structure after completion of owners’ new home, in lieu of the 15’ required. The subject property and requested relief are more particularly described on Petitioners’ Exhibit 1. Despite the size and configuration of the proposed accessory structure as a pool-house, the undersigned received on February 22, 2013, an Affidavit from Petitioners through counsel, Howard L. Alderman, Jr., Esquire, with Levin & Gann. In the Affidavit, Petitioners affirm that following construction and occupancy of the new dwelling, the existing dwelling will be used thereafter only as an accessory structure (pool-house) and at no time thereafter will it be used as additional living quarters or for residential occupation. In addition, Baltimore County Code Enforcement Officers may, after reasonable notice, inspect same. Upon that understanding and condition, Petitioners’ request will be granted.

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 January 27, 2013, 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 25<sup>th</sup> day of February, 2013 that a Variance from Section 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit the existing dwelling with a height of 24’, to remain as an accessory structure after completion of owners’ new home, in lieu of the 15’ required, be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their appropriate permits 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.
2. Following construction and occupancy of the new dwelling, the existing dwelling will be used thereafter only as an accessory structure (pool-house) and at no time thereafter will it be used as additional living quarters or for residential occupation.

3. Baltimore County Code Enforcement Officers may, after reasonable notice, inspect the accessory structure (pool-house) to ensure compliance with Condition 2 above.

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:dlw