IN RE: PETITION FOR ADMIN. VARIANCE   *   BEFORE THE

    (16916 Wesley Chapel Road)

    10th Election District   *   OFFICE OF ADMINISTRATIVE

    3rd Council District

    Kevin A. & Vanessa L. Eskridge   *   HEARINGS FOR

    Petitioners

                                      *   BALTIMORE COUNTY

                                      *   **CASE NO. 2016-0229-A**

          *   *   *   *   *   *   *   *   *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Kevin & Vanessa Eskridge ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit an accessory structure (barn) with a height of 33 ft. in lieu of the maximum allowed height of 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Planning (DOP) dated April 11, 2016 indicating they had no objection provided certain conditions were met.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 3, 2016, 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 § 32-3-303 of the Baltimore County Code (B.C.C.). 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 § 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 Department of Planning did not make any recommendations related to the accessory structure height and usage, I will impose conditions that the accessory building (pole barn) shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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 **21st** day of **April, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit an accessory structure (barn) with a height of 33 ft. in lieu of the maximum allowed height of 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for any 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners or subsequent owners shall not convert the accessory building (pole barn) into a dwelling unit or apartment. The accessory structure (pole barn) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

3. The Petitioners must comply with the ZAC comment received from DOP, dated April 11, 2016; 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_____
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw