

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1003 Nicodemus Road)		
4 th Election District	*	OFFICE OF ADMINISTRATIVE
4 th Council District		
Geraldine E. & Joseph W. Bonner, Sr.	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2018-0034-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Geraldine E. and Joseph W. Bonner, Sr. (“Petitioners”). The Petitioners are requesting variance relief from § 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed accessory building in rear yard of an existing dwelling with a height of 17 ft. in lieu of the maximum allowed 15 ft.; and from § 400.1 of the B.C.Z.R. to permit an existing storage shed to be located in the side yard of the dwelling and with a rear and side yard setback of 1.5 ft. in lieu of required in the rear yard and with a 2.5 ft. setback, respectively. 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. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 3, 2017, 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 (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 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 Department of Planning did not make any recommendations related to Petitioners' zoning request and its usage, I will impose conditions that the proposed accessory building and/or existing storage shed shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and shall 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, this **25th** day of **August, 2017**, 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 a proposed accessory building in rear yard of an existing dwelling with a height of 17 ft. in lieu of the maximum allowed 15 ft.; and from § 400.1 of the B.C.Z.R. to permit an existing storage shed to be located in the side yard of the dwelling and with a rear and side yard setback of 1.5 ft. in lieu of required in the rear yard and with a 2.5 ft. setback, respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners or subsequent owners shall not convert the proposed accessory building and/or existing storage shed into a dwelling unit or apartment. The proposed accessory building and/or existing storage shed shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The proposed accessory building and/or existing storage shed shall not be used for commercial purposes.

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