

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(12227 Cleghorn Road)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
The Keith B. Sullivan Revocable Trust	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2018-0070-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 owner of the property, The Keith B. Sullivan Revocable Trust (“Petitioner”). The Petitioner was granted administrative variance relief on November 14, 2016 which was modified following a Motion for Reconsideration on December 8, 2016. Petitioner would now like to relocate some of the proposed improvements and therefore sought this administrative variance.

The Petitioner is requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows: (1) To permit an accessory structure (pool house) to be located in the front yard of the property and an accessory structure (pool) to be located in the side yard of the property in lieu of the permitted rear yard only, respectively; (2) To permit accessory structures (pool house and detached shed) to have a height of 25 ft. in lieu of the maximum permitted 15 ft.; and (3) Also, for such further relief as the Administrative Law Judge (ALJ) may require. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s 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 Environmental

Protection and Sustainability (“DEPS”) dated September 6, 2017.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 9, 2017, 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 § 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 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 **3rd** day of **October, 2017** by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows: (1) To permit an accessory structure (pool house) to be located in the front yard of the property and an accessory structure (pool) to be located in the side yard of the property in lieu of the permitted rear yard only, respectively; and (2) To permit accessory structures (pool house and detached shed) to have a height of 25 ft. in lieu of the maximum permitted 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner or subsequent owners shall not convert the accessory structures (pool house and shed) into a dwelling unit or apartment. The accessory structures (pool and shed) shall not contain any sleeping quarters and/or living area.
3. Petitioner must comply with the DEPS ZAC comment dated September 6, 2017; a copy of which is attached hereto and made a part hereof.
4. Petitioner shall include the following statement on all permit applications:

“Garage shall be for PRIVATE RESIDENTIAL USE ONLY. No commercial, business or professional activity of any kind shall be permitted.”
5. The kitchen facilities permitted in the pool house shall be limited to a “kitchenette” or “convenience kitchen” only.

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