

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
SE/Side of Abell Lane, 2,500' (+/-) SW of		
c/line of Yeoho Road	*	OFFICE OF ADMINISTRATIVE
<b>(2207 Abell Lane)</b>		
5 <sup>th</sup> Election District	*	HEARINGS FOR
3 <sup>rd</sup> Council District		
	*	BALTIMORE COUNTY
Steve and Maria Danielczyk		
Petitioners	*	<b>CASE NO. 2012-0048-A</b>

\* \* \* \* \*

**ORDER AND OPINION**

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, Steve and Maria Danielczyk. The Petitioners are requesting Variance relief pursuant to Sections 400.1 and 400.3 to permit a proposed detached accessory structure (shed) to be located partially on the side yard of the dwelling with a height of 19 feet in lieu of the required rear yard and maximum allowed 15 feet. 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 Petitioners wish to construct a proposed detached accessory structure (shed) 28’ x 20’ x 19’ in size to be located approximately .05 miles from the main road. A photograph submitted by the Petitioners show that the proposed accessory building is restricted due to the sloping of the property and will be no more than 7 feet forward of the rear foundation of the existing dwelling. The subject property is 3.019 acres, zoned R.C.2 and is located in the Sparks area of northern Baltimore County.

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 (DEPS), dated September 13, 2011, which indicate:

“A future building permit for this site will require review by Groundwater Mgmt.”.

Although the Office of Planning did not make any recommendations related to the shed height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 28, 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 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, this 19<sup>th</sup> day of September, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Sections 400.1 and 400.3 to permit a proposed detached accessory structure (shed) to be located partially on the side yard of the dwelling with a height of 19 feet in lieu of the required rear yard and maximum allowed 15 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for their building permit 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. Petitioner shall comply with the ZAC comment received from the Department of Environmental Protection and Sustainability (DEPS), dated September 13, 2011; a copy of which is attached hereto and made a part hereof.
3. The Petitioner or subsequent owners shall not convert the subject accessory structure (shed) into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
4. The accessory structure 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  
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TIMOTHY M. KOTROCO  
Administrative Law Judge for  
Baltimore County

TMK:dlw