

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(12014 Philadelphia Road)</b>		
11 <sup>th</sup> Election District	*	OFFICE OF ADMINISTRATIVE
6 <sup>th</sup> Council District		
Zachary & Kristen R. Crouse	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2017-0042-A</b>

\* \* \* \* \*

**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, Zachary & Kristen R. Crouse (“Petitioners”). The Petitioners are requesting Variance relief pursuant to §§ 1A04.3.B.2.b and 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R”) as follows: (1) To permit a proposed addition connecting the detached garage to the existing dwelling with a side yard setback of 20 ft. in lieu of the required 50 ft.; and (2) To permit the existing pole building to be located on the side yard of the future expanded dwelling in lieu of the required to be located in the rear yard. 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. Initially on September 8, 2016, the Department of Planning (DOP) issued a ZAC comment indicating that they had no objection; however, the data contained in the State of Maryland SDAT records indicated that the subject property, shown as a single contiguous parcel on the site plan submitted in support of the petition, was composed of two separate parcels under different ownership. A revised ZAC comment was received from the DOP on November

9, 2016 indicating that after review of information provided by the Petitioners' representative and the corrected geographic information in the County's records, DOP is now satisfied that the site plan submitted in support of the petition is correct.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 4, 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 (pole barn) 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 10<sup>th</sup> day of **November, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief

from § 1A04.3.B.2 of the Baltimore County Zoning Regulations (“B.C.Z.R”) as follows: (1) To permit a proposed addition connecting the detached garage to the existing dwelling with a side yard setback of 20 ft. in lieu of the required 50 ft.; and (2) To permit the existing pole building to be located on the side yard of the future expanded dwelling in lieu of the required to be located in the rear yard, 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. 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.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JEB:dlw

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County