

**IN RE: PETITION FOR ADMIN. VARIANCE \***

N/S of Belfast Road, 1,250' E of c/line of \*

Wheeler Avenue \*

8<sup>th</sup> Election District \*

3<sup>rd</sup> Councilmanic District \*

**(1112 Belfast Road)** \*

Bartholomew F. Rommel \*

*Petitioner* \*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

**Case No. 2012-0037-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Bartholomew F. Rommel for property located at 1112 Belfast Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) to be located in the side/front yard with a height of 18 feet in lieu of the required rear yard and height of 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner wishes to construct an authentic post-and-beam garage (detached) measuring 24' feet x 28' feet in size to be located in the front/side yard approximately 66 feet from the dwelling. The home is located in a rural agricultural area and there are no adjacent homes within view of the garage placement. None of the neighbors expressed any concern about the requested relief. The property contains 1.291 acres and is zoned R.C.2.

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, dated September 7, 2011, which indicate that:

"A future building permit for a garage will need review by Groundwater Mgmt".

ORDER RECEIVED FOR FILING

Date

9-16-11

By

*[Signature]*

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 21, 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.

Although the Office of Planning did not make any recommendations related to the garage 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.

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, by the Administrative Law Judge for Baltimore County, this 16<sup>th</sup> day of September, 2011 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (detached garage) to be located in the side/front yard with a height of 18 feet in lieu of the required rear yard and height of 15 feet, be and is hereby GRANTED, subject to the following:

ORDER RECEIVED FOR FILING

Date

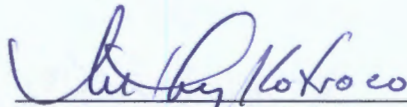
9-16-11

By

193

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.
4. The Groundwater Management Division of Department of Environmental Protection and Sustainability shall review the proposed building permit for the accessory structure (garage).

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



TIMOTHY M. KOTROCO  
Administrative Law Judge  
for Baltimore County

TMK/dlw

ORDER RECEIVED FOR FILING

Date

9-16-11

By

1023

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability  
(DEPS) - Development Coordination

DATE: September 7, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-037-A  
Address 1112 Belfast Road  
(Rommel Property)

Zoning Advisory Committee Meeting of August 15, 2011.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. A future building permit for a garage will need review by Groundwater Mgmt.

Reviewer: *Dan Esser; Groundwater Management*

RECEIVED

SEP 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS

ORDER RECEIVED FOR FILING

Date

By

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KEVIN KAMENETZ  
*County Executive*

LAWRENCE M. STAHL  
*Managing Administrative Law Judge*  
JOHN E. BEVERUNGEN  
TIMOTHY M. KOTROCO  
*Administrative Law Judges*

September 16, 2011

Bartholomew F. Rommel  
1112 Belfast Road  
Sparks, Maryland 21152

Re: Petition for Administrative Variance  
Case No. 2012-0037-A  
Property: 1112 Belfast Road

Dear Mr. Rommel:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Administrative Law Judge  
for Baltimore County

TMK:dlw  
Enclosure

# Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property

located at 1112 Belfast Rd

which is presently zoned RC 2

Deed Reference: 10580 / 126 Tax Account # 2100009004

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1, 400.3 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED  
IN THE SIDE/FRONT YARD WITH A HEIGHT OF 18-FEET IN LIEU  
OF THE REQUIRED REAR YARD AND HEIGHT OF 15-FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

N/A

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

## Legal Owner(s):

Bartholomew Francis Rommel

Name - Type or Print

Signature

Name - Type or Print

Signature

H 410-472-3588

1112 Belfast Rd

W 410-375-1691

Address

Telephone No.

SPARKS,

MD

21152

City

State

Zip Code

Email MR1216@verizon.net

## Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 9 day of August, 2011, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be deposited.

Zoning Commissioner of Baltimore County

Case No. 2012-0037-A  
**ORDER RECEIVED FOR FILING**

Reviewed By D.T. Date 8/21/11

Estimated Posting Date 8/21/11

Date 9-16-11

FRM476\_09

Rev 3/09

By low

## Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently own and reside at 1112 Belfast Rd.  
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed) See Attached

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Signature

Signature

Bartholomew F. Remmel  
Name- print or type

Name- print or type

**A Notary Public must complete the following section prior to the filing appointment.**

**STATE OF MARYLAND, BALTIMORE COUNTY, to wit:**

**I HEREBY CERTIFY**, this 3<sup>rd</sup> day of August, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

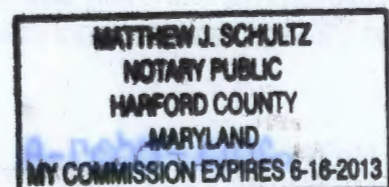
(Name Affiant(s) here): Bartholomew F. Remmel  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

**AS WITNESS** my hand and Notarial Seal

Name of Notary Public

Commission expires

PLACE SEAL HERE:



**Reasons for Request of Zoning Variance for:**

Bartholomew F. Rommel

1112 Belfast Road

Sparks, MD 21152

First it is important to convey that the homeowner understands the importance of the zoning regulations put in place by Baltimore County. As a result, over the past several months the homeowner has done extensive research and consulted several experts to determine the viability and cost associated with placing the proposed 24 x 28 authentic post-and-beam barn structure behind the property as required by Baltimore County Zoning.

From consulting experts this is what the homeowner has learned and what brings him to request this variance by Baltimore County Zoning.

1. The land has a steep topography behind the house. While the house is situated on a level part of the lot, the land behind the house is not level. To build the proposed barn into the hill behind the house would require a contractor to dig approximately 15' deep to bring the barn to a grade level with the current driveway.
2. At approximately 5' this lot hits water. As a result the water issue would need to be addressed. Several contractors suggested a need for a French drain to deal with possible drainage problems.
3. There are many large trees on the hill where the barn would be placed and this would present an ongoing risk of tree limbs or entire trees falling on the barn. To that end, several trees would need to be removed to reduce the risk of damage. Tree experts quoted prices in the thousands of dollars for tree removal. Many of the trees are large old growth red oak trees. Besides the cost involved, the tree removal would also take away from the beauty and character of the property.

This variance is not being requested out of convenience or ease of placement or disregard for the zoning laws. The homeowner is asking for the variance because, through extensive research, the homeowner has concluded that to place the proposed barn behind the home would be a difficult and costly proposition, would alter the look and topography of the land as well as possibly create unforeseen water drainage issues.

The homeowner is hopeful the persons reviewing this variance request will see that the homeowner has put much thought and investigation into the process. The home is located in a rural agricultural area and there are no adjacent homes within view of the placement site. The proposed authentic post-and-beam barn will be in character with the surrounding barn structures on Belfast Road where the home is located.

2012-0037-A

**Zoning Description of property:**

**Zoning Property Description for 1112 Belfast Road**

Beginning at a point on the North side of Belfast Road which is 22 Feet wide at the distance of 1250 Feet East of the centerline of the nearest improved intersecting street, Wheeler Lane, which is 24 Feet Wide.

Thence the following courses and distances:

(1<sup>st</sup> POC) S 67' 57' E 260.61', (2<sup>nd</sup> POC) N 14' 45' E 251.63', (3<sup>rd</sup> POC) N 67' 45' W 162.88', (4<sup>th</sup> POC) S 67' 22' 40" W 52.56, (5<sup>th</sup> POC) S 39' 53' 10" W 119.76', (6<sup>th</sup> POC) S 17' 15' 30" W 99.54', back to point of beginning as recorded in Deed Reference # 10580/00126, containing 1.29 Acres.

Located in Election District 8 and Council District 3.

# CERTIFICATE OF POSTING

Date: 8-21-11

RE: Case Number: 2012-0037-A

Petitioner/Developer: Mary Ann Rommel

Date of Hearing/Closing: 9/5/11

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1112 Belfort Rd

The sign(s) were posted on 8-21-11

(Month, Day, Year)

J. Lawrence Pilson  
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

1015 Old Barn Road

(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)

## ZONING NOTICE

### ADMINISTRATIVE

## VARIANCE

CASE # 2012-0037-A  
TO PERMIT AN ACCESSORY  
STRUCTURE (GARAGE) TO BE LOCATED  
IN THE SIDE/FRONT YARD WITH A  
HEIGHT OF 19 FEET IN LIEU OF THE  
REQUIRED REAR YARD AND HEIGHT OF  
15 FEET

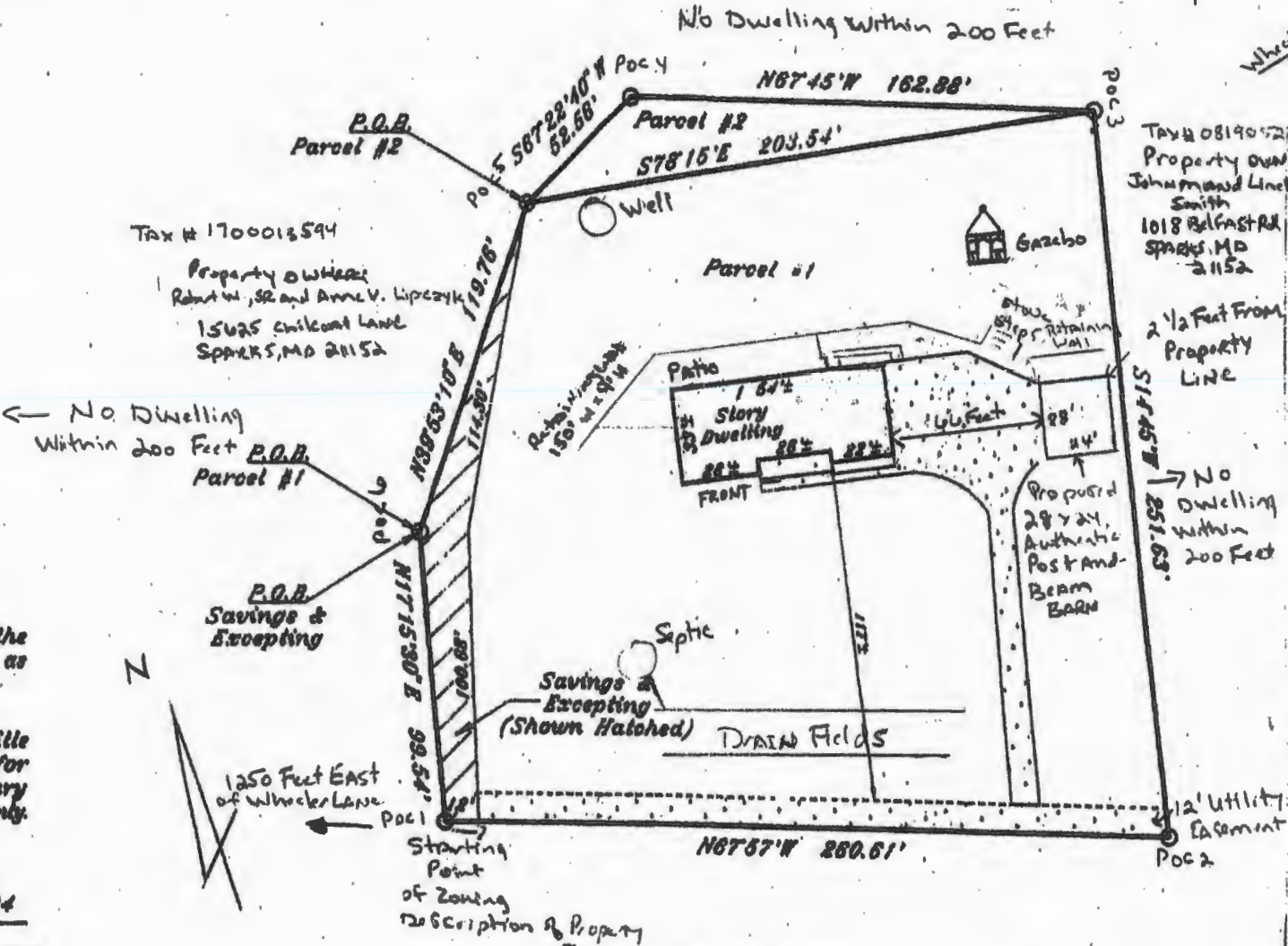
## PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(h)(1), BALTIMORE COUNTY CODE,  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY  
REQUEST A PUBLIC HEARING CONCERNING  
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS  
RECEIVED IN THE ZONING REVIEW BUREAU  
5:00 P.M. ON 9/5/11  
ADDITIONAL INFORMATION IS AVAILABLE AT  
PERMITS AND DEVELOPMENT  
101 WEST PARK



ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
ADDRESS 1112 Belfast Rd Sparks MD 21152 OWNER(S) NAME(S) Bartholomew F. Rammel  
SUBDIVISION NAME \_\_\_\_\_ LOT# \_\_\_\_\_ BLOCK# \_\_\_\_\_ SECTION# \_\_\_\_\_  
PLAT BOOK# \_\_\_\_\_ FOLIO# \_\_\_\_\_ 10 DIGIT TAX# 21 00 00 90 04 DEED REF.# 1058 0/00 12 6

SITE VICINITY MAP



MAP IS NOT TO SCALE  
ZONING MAP# 02763  
SITE ZONED RC2  
ELECTION DISTRICT 8ED  
COUNCIL DISTRICT 3CD  
LOT AREA ACREAGE 1.291 AC  
OR SQUARE FEET \_\_\_\_\_  
HISTORIC? NO  
IN CBCA? NO  
IN FLOOD PLAIN? NO  
UTILITIES? MARK WITH \_\_\_\_\_  
WATER IS: PUBLIC \_\_\_\_\_ PRIVATE X  
SEWER IS: PUBLIC \_\_\_\_\_ PRIVATE X  
PRIOR HEARING? NONE  
IF SO GIVE CASE NUMBER \_\_\_\_\_  
AND ORDER RESULT BELOW \_\_\_\_\_

and belief the property known as \_\_\_\_\_  
shown from title \_\_\_\_\_  
shown are for \_\_\_\_\_  
not a boundary \_\_\_\_\_  
title purposes only.

4/26/04

ration \_\_\_\_\_  
P \_\_\_\_\_  
'204 \_\_\_\_\_  
ale 1" = 60'

PLAN DRAWN BY Bartholomew F. Rammel DATE 8-4-11 SCALE: 1 INCH = 60 FEET  
2012-0037-A

VIOLATION CASE INFO: NONE