



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

September 6, 2022

Kyle and Kimberly O'Haro – kyleoharo@comcast.net
1603 S. Rolling Road
Baltimore, MD 21227

RE: Petition for Administrative Variance
Case No. 2022-0172-A
Property: 1603 S. Rolling Road

Dear Mr. and Mrs. O'Haro:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1603 S. Rolling Rd.)		
13 th Election District	*	OFFICE OF ADMINISTRATIVE
1 st Council District		
Kyle & Kimberly O'Haro	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2022-0172-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, Kyle and Kimberly O'Haro (“Petitioners”) for the property located at 1603 S. Rolling Rd., Baltimore, Maryland (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §400.1: To permit the reconstruction of an accessory building (well house) located in the side yard in lieu of the required rear yard. The Property and requested relief is more fully depicted on the site plan (the “Site Plan”) which was marked and accepted into evidence as Petitioners’ Exhibit 1. An aerial view shows the home and proposed location of the well house. (Pet. Ex. 2). Street view photographs were submitted showing the dilapidated condition of the well house and the view of well house from surrounding properties if permitted to be located in side yard. (Pet. Ex. 3A-3E).

There were no Zoning Advisory Committee (“ZAC”) comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on August 7, 2022, 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 (“BCC”).

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 BCZR, §307.1. The 1871 home (SDAT) sits on a 5.04 acre rectangular-shaped Property which is larger and shaped differently than the surrounding properties, some of which were constructed in more recent decades. The street view photographs reveal that the view of the well house in the side yard from adjacent properties will be screened by mature trees. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners, particularly in light of the approval given by the Baltimore County Landmarks Preservation Commission and the lack of opposition by adjacent properties.

Although the Department of Planning did not provide a ZAC comment, I will impose conditions that the reconstructed well-house shall not be used as a dwelling and shall not contain sleeping or living quarters and will not have a kitchen or bathroom. All electric/utilities shall connect to the electric utility service in the house.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 6th day of **September, 2022**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §400.1: To permit the reconstruction of an accessory building (well house) located in the side yard in lieu of the required rear yard, be and it is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. 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.

2. Petitioners and/or subsequent owners shall not convert the accessory building into a dwelling unit or apartment. The proposed accessory building shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The accessory building shall also not be used for commercial or industrial purposes.
4. The accessory building shall not have a separate utility or electric connection and shall connect to the electrical/utility in the home. The accessory building shall not have separate water connection and shall connect to the water in the home.

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

A handwritten signature in black ink, reading "Maureen M. Murphy". The signature is written in a cursive, flowing style.

MAUREEN M. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw