



JOHN A. OLSZEWSKI, JR.
County Executive

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

April 26, 2023

Jay and Monica Bream mbream4@verizon.net
12721 Dulaney Valley Road
Phoenix, MD 21013

RE: Petition for Administrative Variance
Case No. 2023-0065-A
Property: 12721 Dulaney Valley Road

Dear Mr. and Mrs. Bream:

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, appearing to read "Paul M. Mayhew", is written over a light blue horizontal line.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: Rick Richardson, Richardson Engineering, LLC- rick@richardsonengineering.net

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(12721 Dulaney Valley Road)		
10 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Jay & Monica Bream	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0065-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 owners of the subject property, Jay and Monica Bream (“Petitioners”). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) §§ 400.1 and 400.3: To permit a proposed accessory building (detached garage) in the one third area closest to the side street, in lieu of the area furthest removed from the side street and to permit a height of 27 feet in lieu of the maximum allow height of 15 feet. The subject property and requested relief are 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. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 9, 2023, 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 to satisfy the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioners.

Although the Department of Planning did not make any recommendations related to the proposed accessory building (detached garage) height and usage, I will impose conditions that the proposed accessory building (detached garage) shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

THEREFORE, IT IS ORDERED, this **26th** day of **April, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("BCZR") §§ 400.1 & 400.3: To permit a proposed accessory building (detached garage) in the one third area closest to the side street, in lieu of the area furthest removed from the side street and to permit a height of 27 feet in lieu of the maximum allow height of 15 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

- Petitioners or subsequent owners shall not convert the proposed accessory building (detached garage) into a dwelling unit or apartment. The proposed accessory building (detached garage) shall not contain any sleeping quarters, living area, or kitchen or bathroom facilities.
- The proposed accessory building (detached garage) 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.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlw