

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1109 Cockeyes Mill Road)		
4 th Election District	*	OFFICE OF ADMINISTRATIVE
4 th Council District		
P. Douglas Gerstmyer, Trustee	*	HEARINGS FOR
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2021-0303-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 owner, P. Douglas Gerstmyer, Trustee (“Petitioner”) for the property located at 1109 Cockeyes Mill Road, Reisterstown, MD 21136 (the “Property”). Petitioner is requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”), §400.1 to permit an accessory structure (in-ground pool) to be located in the side yard in lieu of the required rear yard placement. The Property and requested relief is more fully depicted on the site plan (the “Site Plan”) that was marked and accepted into evidence as Petitioner’s 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 contained in the case file.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 26, 2021, 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 Baltimore County Code (“BCC”), §32-3-303.

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 BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 **22nd** day of **November, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from BCZR, §400.1 to permit an accessory structure (in-ground pool) to be located in the side yard in lieu of the required rear yard placement, be and is hereby **GRANTED**.

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

Signed

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw