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| IN RE: PETITION FOR ADMIN. VARIANCE | * | BEFORE THE |
| S/S Virginia Avenue; 25' W of c/line of | | |
| Brian Street | * | OFFICE OF ADMINISTRATIVE |
| (2819 Virginia Avenue) | | |
| 13 th Election District | * | HEARINGS FOR |
| 1 st Council District | | |
| | * | BALTIMORE COUNTY |
| Kathleen Turner | | |
| Petitioner | * | CASE NO. 2012-0047-A |

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ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owner of the property, Kathleen Turner. The Petitioner is requesting Variance relief pursuant to Sections 400.1 and 400.2 to permit an accessory structure (detached garage) with an 8 foot setback from an alley centerline in lieu of the required 15 feet and to allow the structure to be located outside of the third of the lot farthest removed from any street. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1. Petitioner wishes to construct a detached garage (22’ x 30’ x 15’ in size) considering that cars are being vandalized, a break in has occurred and additional storage space is needed for the family. The location of the garage will be placed approximately 12 feet from the swimming pool which will allow the children’s play area to remain. Photographs submitted by the Petitioner shows similar garages in the neighborhood built in the same footprint. The subject property is .144 acres or 6,250 square feet, zoned D.R.5.5 and is located in the Baltimore Highlands subdivision of Halethorpe in Baltimore County.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no other comments received from any of the County

reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 28, 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, this 19th day of September, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Sections 400.1 and 400.2 to permit an accessory structure (detached garage) with an 8 foot setback from an alley centerline in lieu of the required 15 feet and to allow the structure to be located outside of the third of the lot farthest removed from any street, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, 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.

Signed
TIMOTHY M. KOTROCO
Administrative Law Judge for
Baltimore County

TMK:dlw