

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(106 W. Chestnut Hill Lane)		
4 th Election District	*	OFFICE OF
4 th Councilmanic District		
Antonio G. Martinez	*	ADMINISTRATIVE HEARINGS
Petitioner		
	*	FOR BALTIMORE COUNTY
	*	Case No. 2014-0224-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before the Office of Administrative Hearings for Baltimore County as a Motion for Reconsideration filed by Petitioner Antonio G. Martinez. The Petitioner originally filed an Administrative Variance for property located at 106 W. Chestnut Hill Lane. The relief was requested from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage in the rear yard of an existing single family with a height of 24 feet in lieu of the required 15 feet.

By Opinion and Order dated May 28, 2014, the undersigned granted the Administrative Variance request, with conditions, in accordance with the site plan and documentation within the case file.

On June 3, 2014, Antonio G. Martinez, Petitioner, filed a timely Motion for Reconsideration of my Order dated May 28, 2014. In the Motion, he raised concern about Condition No. 2, in particular not being able to have a wash/slop sink in the garage. Mr. Martinez disclosed that the garage will be used for his personal needs and not for any other purpose. It is also his intention to use the garage as a studio/workshop for painting, woodworking, sculptures, and photography. The Petitioner stressed that the garage will in no way be used for living space.

In addition, correspondence was received on June 7, 2014 from James Sage (a neighbor who resides at 114 W. Chestnut Hill Lane), who does not think he has a problem with adding the slop sink. However, he is concerned that once the plumbing is in place in the garage there is not much stopping the Petitioner or future residents from installing a bathroom or kitchen-like facility.

After due consideration of the argument raised by Mr. Martinez, I must deny the Motion. The petition in this case, as was proper, sought relief from the height restrictions set forth in B.C.Z.R. § 400.3. That is the extent of the relief permitted in a variance case. The decision to permit (or not) bathroom facilities must be made by the County's zoning, public works and (in the case of a property served by well and septic) environmental departments. While nothing in the May 28, 2014 Order prohibits the construction of a wash/slop sink in the proposed garage, approval for same must be sought from the aforementioned agencies.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 9th day of June, 2014, that the Petitioner's Motion for Reconsideration, be and is hereby DENIED.

IT IS FURTHER ORDERED that all other terms and conditions of the Order granted on May 28, 2014 shall remain in full force and effect.

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

Signed
LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw