

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1418 Galena Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
David F. and Lynne E. Cook	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2015-0221-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, David F. and Lynne E. Cook (“Petitioners”). The Petitioners are requesting Variance relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed detached accessory structure (garage) to be located in the side yard of the principal building with a height of 22 ft. in lieu of the required rear yard and the maximum allowed height of 15 ft. The subject property and requested relief is 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. A ZAC comment was submitted from the Bureau of Development Plans Review (DPR) dated April 27, 2015, indicating that prior to building permit application, the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation, so that the floor elevation can be set.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 15, 2015, 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 Section 32-3-303 of the Baltimore County Code (B.C.C.). 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 Department of Planning did not make any recommendations related to the detached accessory structure (garage) height and usage, I will impose conditions that the garage 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 B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 7th day of May, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed detached accessory structure (garage) to be located in the side yard of the principal building with a height of 22 ft. in lieu of the required rear yard and the maximum allowed height of 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

2. Petitioners must comply with the ZAC comments received from DPR dated April 27, 2015; a copy of which is attached hereto and made a part hereof.
3. Petitioners must comply with Critical Area regulations prior to building permit application.
4. The Petitioners or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
5. The 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.

____ Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw