

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(17280 Bushland Road)		
7 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Kevin S. and Kerry Openshaw	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0198-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, Kevin S. and Kerry Openshaw. The Petitioners are requesting variance relief from §§ 1A09.7.C.2.e and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (detached garage) to be located in the front yard of the dwelling and to permit a proposed height of 27 ft. in lieu of the required in the side or rear yard and a maximum allowed height of 15 ft. respectively. 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. There were no adverse 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 March 11, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 and photographs 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.

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 31st day of **March, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 1A09.7.C.2.e and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (detached garage) to be located in the front yard of the dwelling and to permit a proposed height of 27 ft. in lieu of the required in the side or rear yard and a maximum allowed height of 15 ft. respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.
2. The Petitioners or subsequent owners shall not convert the accessory structure (garage) into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure (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