IN RE: PETITION FOR ADMIN. VARIANCE   *   BEFORE THE
     (228 Homevale Road)

4th Election District   *   OFFICE OF

3rd Councilmanic District

Mark D. and Cara R. Norris   *   ADMINISTRATIVE HEARINGS

Petitioners

                                     *   FOR BALTIMORE COUNTY

                                     *   **Case No. 2014-0195-A**

              *   *   *   *   *   *   *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Mark D. and Cara R. Norris. The variance request is from Section 208.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") - [1955 regulations R 10], to permit a proposed attached garage addition with a side setback of 3 ft. in lieu of the minimum 10 ft. setback and a combined side setback of 16 ft. in lieu of the required combined sum of 25 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 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 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 30, 2014, 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 garage height and usage, I will impose conditions that the garage addition 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, by the Administrative Law Judge for Baltimore County, this **16th** day of April, 2014, that a Variance from Section 208.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") - [1955 regulations R 10], to permit a proposed attached garage addition with a side setback of 3 ft. in lieu of the minimum 10 ft. setback and a combined side setback of 16 ft. in lieu of the required combined sum of 25 ft., be and is hereby GRANTED, subject to the following:

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 subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

3. 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