

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
& ADMINISTRATIVE SPECIAL HEARING		
(1020 Windsor Road)	*	OFFICE OF ADMINISTRATIVE
3 rd Election District		
2 nd Council District	*	HEARINGS FOR
Hank P. Jedema & Holly M. Moore		
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0221-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance and Administrative Special Hearing filed by the legal owners of the property, Hank P. Jedema & Holly M. Moore (“Petitioners”). The Petitioners are requesting Administrative Variance relief pursuant to § 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 dwelling with a height of 23 ft. in lieu of the required 15 ft. In addition, a request for Administrative Special Hearing to approve a waiver pursuant to § 32-4-107(b) of the Baltimore County Code (“B.C.C.”) and § 101 of the B.C.Z.R., to permit an accessory structure (garage) to have a footprint greater than the single family dwelling. 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 ZAC comments received from any of the County reviewing agencies. However, it is to be noted that the property is historic and was the subject of consideration by the Baltimore County Landmarks Preservation Commission (LPC) at their February 9, 2017 meeting, which voted to issue a Certificate of Appropriateness for the construction of a freestanding garage per the revised drawings dated February 9, 2017 subject to

the windows having a 2 over 1 pattern. In addition, three (3) support letters were received from members of the community residing at 1018 and 1022 Windsor Road and 500 Sudbrook Lane, who anticipate no burden to be caused by the accessory structure as designed.

The Petitioners having filed Petitions for Administrative Variance and Administrative Special Hearing and the subject property having been posted on March 4, 2017, 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 § 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 § 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 proposed detached garage height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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 27th day of **March, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Administrative Variance seeking relief from § 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 dwelling with a height of 23 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Administrative Special Hearing to approve a waiver pursuant to § 32-4-107(b) of the Baltimore County Code (“B.C.C.”) and § 101 of the B.C.Z.R., to permit an accessory structure (garage) to have a footprint greater than the single family dwelling, 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 or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The garage shall not be used for commercial purposes.
4. Petitioners must comply with LPC’s letter dated February 13, 2017 referencing Baltimore County Historic Design Guidelines; a copy of which is attached hereto and made a part hereof.

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

JEB:dlw

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County