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| IN RE: PETITION FOR ADMIN. VARIANCE | * | BEFORE THE |
| (16826 Wesley Chapel Road) | | |
| 10 th Election District | * | OFFICE OF ADMINISTRATIVE |
| 3 rd Council District | | |
| Michael & Amanda Horne | * | HEARINGS FOR |
| Petitioners | | |
| | * | BALTIMORE COUNTY |
| | * | CASE NO. 2017-0233-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 filed by the legal owners of the property, Michael and Amanda Horne (“Petitioners”). The Petitioners are requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R) as follows: (1) To construct an accessory building (detached garage) to be located in the front yard in lieu of the rear yard; (2) To allow an accessory building (detached garage) to have a height of 24 ft., more or less, in lieu of the maximum permitted 15 ft.; and (3) For any such relief as deemed necessary by the Administrative Law Judge (ALJ). 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 submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 12, 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 accessory structure (detached garage) height and usage, I will impose conditions that it 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 **31st** day of **March, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R) as follows: (1) To construct an accessory building (detached garage) to be located in the front yard in lieu of the rear yard; (2) To allow an accessory building (detached garage) to have a height of 24 ft. +/- in lieu of the maximum permitted 15 ft.; and (3) For any such relief as deemed necessary by the Administrative Law Judge (ALJ), 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 accessory structures (detached garage) into a dwelling unit or apartment. The accessory structure (detached garage) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The accessory structure (detached 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