

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(28 Sanford Avenue)		
1 st Election District	*	OFFICE OF ADMINISTRATIVE
1 st Council District		
Deanna Lenehan Cunningham	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0287-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 owner of the property, R Deanna Lenehan Cunningham (“Petitioner”). The Petitioner is requesting Variance relief pursuant to § _____ of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a proposed detached accessory structure (garage) to be located partially in the third of the lot closest to a street with a height of 20 ft. in lieu of the required farthest removed and maximum allowed 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s 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.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May ____, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.

Although the Department of Planning did not make any recommendations related to the accessory structure (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, kitchen or bathroom facilities, or 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, this 26th day of **May, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § _____ of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a proposed detached accessory structure (garage) to be located partially in the third of the lot closest to a street with a height of 20 ft. in lieu of the required farthest removed and maximum allowed 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her 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, Petitioner would be required to return the subject property to its original condition.

2. Petitioner or subsequent owners shall not convert the accessory structure (garage) into a dwelling unit or apartment. The accessory structure (garage) shall not contain any sleeping quarters, living area, and 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