

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(7515 Days Woods Court)</b>		
11 <sup>th</sup> Election District	*	OFFICE OF ADMINISTRATIVE
5 <sup>th</sup> Council District		
Nicholaos G. & Victoria A. Diacoloukas	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2018-0001-A</b>

\* \* \* \* \*

**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, Nicholaos G. and Victoria A. Diacoloukas (“Petitioners”). The Petitioners are requesting Variance relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit two (2) existing and one (1) proposed detached accessory structures (garages and patio/sports court) to be located in the front yard and partially in the side yard, with the proposed garage having a height of 20 ft. in lieu of the required rear yard and maximum allowed height of 15 ft. and to amend the Final Development Plan (FDP) of Days Woods Manor, Plat No. 2, Lot No. 11 only. 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. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) dated August 1, 2017, indicating the following:

“Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).”

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 15, 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 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 height and usage for either the proposed or existing garage, I will impose conditions that neither garage shall not be converted into dwelling units or apartments, 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 4<sup>th</sup> day of **August, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit two (2) existing and one (1) proposed detached accessory structures (garages and patio/sports court) to be located in the front yard and partially in the side yard, with the proposed garage having a height of 20 ft. in lieu of the required rear yard and maximum allowed height of 15 ft. and to amend the Final Development**

Plan (FDP) of Days Woods Manor, Plat No. 2, Lot No. 11 only, 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 proposed or existing garage into a dwelling unit or apartment. The proposed or existing garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The proposed or existing garage shall not be used for commercial purposes.
4. Petitioners must comply with the ZAC comment submitted by DEPS dated August 1, 2017; a copy of which is attached and made a part hereof.

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

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:dlw