

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(15701 Yeoho Road)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Lindsay Barranco and	*	HEARINGS FOR
Robert Barranco (deceased)		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2018-0290-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, Lindsay Barranco and Robert Barranco (deceased) [“Petitioner”]. The Petitioner is requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (“BCZR”), to permit a detached garage to be located in the front yard with a 21 ft. height in lieu of the rear yard and maximum 15 ft. height, and to approve the amendment of the Final Development Plan (“FDP”) of "Merryman Property", Lot 4 only. 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. No adverse ZAC comments were received from any of the reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 16, 2018, 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 (“BCC”). 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 BCZR. Furthermore, strict compliance with the BCZR 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 proposed detached garage’s height and usage, I will impose conditions that the detached 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 BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 24th day of **May, 2018**, 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 (“BCZR”), to permit a detached garage to be located in the front yard with a 21 ft. height in lieu of the rear yard and maximum 15 ft. height, and to approve the amendment of the Final Development Plan (“FDP”) of "Merryman Property", Lot 4 only, 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 detached garage into a dwelling unit or apartment. The proposed detached garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The proposed 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