

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(8116 Redstone Road)		
11 th Election District	*	OF ADMINISTRATIVE
5 th Council District		
Joseph Esposito	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2018-0326-A

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Petitioner in the above case. By order dated July 31, 2018 a variance was granted permitting construction of a garage in the front yard of the proposed dwelling in lieu of the required rear yard location. The lot is unimproved and Petitioner explained that the front yard was the only possible location for the garage since the rear yard of the proposed single family dwelling has environmental features which would restrict construction in that area.

In the Motion for Reconsideration Petitioner states he failed to include in the original petition an additional variance request for a garage height of 23 ft. in lieu of the maximum 15 ft. Petitioner notes the garage will be designed to match the pitch and style of the proposed dwelling, which necessitates a building height of 23 ft.

While I am ordinarily loathe to grant a request for relief not included in the original petition, I do not believe doing so in this instance would be problematic. The lot is nearly two acres in size and the proposed garage will be located a significant distance from any existing dwellings. In addition, the height variance will allow the pitch of the garage roof to mimic and complement the pitch of the roof on the proposed single family dwelling. As Petitioner states in his motion, the garage will “appear to be an extension of the home as opposed to an unmatched structure.” I

concur and the motion will therefore be granted.

THEREFORE, IT IS ORDERED, this 4th day of **September, 2018**, by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED that the request for additional variance relief permitting an accessory structure with a height of 23 ft. in lieu of the maximum 15 ft., be and is hereby GRANTED

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:sln