

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2 Sunnydale Way)		
4 th Election District	*	OFFICE OF ADMINISTRATIVE
4 th Council District		
Bruce S. Leibowitz & Karyn L. Dillon	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0009-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 subject property, Bruce S. Leibowitz and Karyn L. Dillon (“Petitioners”). The Petitioners are requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (“BCZR”), to permit a proposed addition to an existing detached accessory structure (garage) that extends partially into the side yard with a height of 16 ft. in lieu of the required rear yard only 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 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 received from any of the County reviewing agencies. However, it is to be noted that two (2) letters of support were received from adjacent property owners, and one (1) letter was received from a community resident in opposition.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 20, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In the Petition, the owners indicate they are car collectors and the enlarged garage would allow them to pursue this hobby. The garage as enlarged would be 70 ft. x 30 ft., or 2,100 sq. ft. This is in fact larger than Petitioners' home, which is listed in the state tax records as having 1,680 sq. ft. of above ground living space. As such, the garage would be larger than the principal dwelling, which is not permitted. A garage is considered an "accessory" structure, which is defined as one that is "subordinate in area ... to the principal structure." BCZR § 101.1. As such, the request must be denied.

THEREFORE, IT IS ORDERED, this **14th** day of **August, 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 proposed addition to an existing detached accessory structure (garage) that extends partially into the side yard with a height of 16 ft. in lieu of the required rear yard only and maximum allowed 15 ft., be and is hereby DENIED.

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