

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(14017 Foxland Rd.)</b>		
10 <sup>th</sup> Election District	*	OFFICE OF ADMINISTRATIVE
3 <sup>rd</sup> Council District		
John E. & Michele M. Clifton	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2020-0302-A</b>

\* \* \* \* \*

**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, John E. and Michele M. Clifton (“Petitioners”). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) §§ 400.1 and 400.3 (*See* § 400.1.d of the Zoning Commissioner's Policy Manual “ZCPM”]) to permit an accessory use detached garage in the side yard of residential corner lot in lieu of the required rear yard with a height of 23 ft. in lieu of the required 15 ft. max height. 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. It is to be noted that a letter of opposition, dated January 6, 2021, was contained in the case file from Robert and Liane Kropp residing at 4003 Eland Road, who indicated their opposition to Petitioners’ request. However, on March 30, 2021, an email was received by the Office of Zoning Review indicating that the Kropp’s are now fine with the Petitioners’ zoning request, and the file was returned to the Office of Administrative Hearings on April 2, 2021.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 23, 2020, 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 § 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 to satisfy the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioners.

Although the Department of Planning did not make any recommendations related to the detached garage height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, shall not contain any sleeping quarters, living area, kitchen or bathroom facilities, and shall not be 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 14<sup>th</sup> day of **April, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (“BCZR”) §§ 400.1 and 400.3 (*See* § 400.1.d of the Zoning Commissioner's Policy Manual “ZCPM”]) to permit an accessory use detached garage in the side yard of residential corner lot in lieu of the required rear yard with a height of 23 ft. in lieu of the required 15 ft. max height, and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners 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.
- 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.

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Signed  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM:dlw