

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2711 Old Court Road)		
3 rd Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Joshua & Erika Slater	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2020-0127-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, Joshua and Erika Slater (“Petitioners”). The Petitioners are requesting Variance relief pursuant to Baltimore County Zoning Regulations (“BZCR”) §§ 400.1 and 400.3 for an accessory structure (detached garage) to be located in the front yard in lieu of the rear yard, and for an accessory structure (detached garage) to have a height of 29 ft. in lieu of the allowable 15 ft. 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. A ZAC comment was received from the Department of Environmental Protection and Sustainability (“DEPS”) dated June 11, 2020, indicating development of this property must comply with the Forest Conservation Regulations [§§ 33-6-101 and 33-6-122 of the Baltimore County Code (“BCC”)]. In addition, the DEPS ZAC comment stated that the Forest Conservation Law can be addressed by filing a Single Lot Declaration of Intent, which Declaration would be required prior to permit approval.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 12, 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 result in practical difficulty and/or unreasonable hardship upon the Petitioners.

The petition in this case, as was proper, sought relief from the area and height restrictions set forth in BCZR §§ 400.1 and 400.3. That is the extent of the relief permitted in a variance case. The decision to permit (or not) bathroom facilities must be made by the County’s zoning, public works and (in the case of a property served by well and septic) environmental departments.

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 1st day of **July, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from BZCR §§ 400.1 and 400.3 for an accessory structure (detached garage) to be located in the front yard in lieu of the rear yard, and for an accessory structure (detached garage) to have a height of 29 ft. in lieu of the allowable 15 ft. height, be 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 his 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 must comply with the ZAC comment from DEPS dated June 11, 2020; a copy of which is attached hereto and made a part hereof.
- Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, kitchen or bathroom facilities, unless the proposed bathroom facilities are approved by the County agencies.
- 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
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw