

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2805 Northwind Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Melvin W. Ansell	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2020-0134-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 subject property, Melvin W. Ansell (“Petitioner”). The Petitioner is requesting Variance relief pursuant to Baltimore County Zoning Regulations (“BZCR”) § 400.3 to permit a proposed accessory structure (garage) with a height of 19 ft. in lieu of the maximum height of 15 ft. 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. A ZAC comment was submitted by the Department of Environmental Protection and Sustainability (“DEPS”) dated June 17, 2020, indicating this property must comply with the Forest Conservation Regulations (§§ 33-6-101 through 33-6-122 of the Baltimore County Code [“BCC”]). In addition, Forest Conservation Law can be addressed by filing a Single Lot of Declaration of Intent; this Declaration would be required prior to permit approval.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 19, 2020, 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 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 comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioner.

Although the Department of Planning did not make any recommendations related to the proposed accessory structure (detached garage) height and usage, I will impose conditions that the detached 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 **8th** day of **July, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from BZCR § 400.3 to permit a proposed accessory structure (garage) with a height of 19 ft. in lieu of the maximum height of 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- 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.
- The proposed detached garage shall not be used for commercial purposes.
- Petitioner must comply with the DEPS ZAC comment, dated June 17, 2020; a copy of which is attached hereto and made a part hereof.

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