

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(708 Weil Mandel Way)</b>		
8 <sup>th</sup> Election District	*	OFFICE OF ADMINISTRATIVE
3 <sup>rd</sup> Council District		
Alvin & Aimee Anton	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2021-0289-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 Alvin and Aimee Anton, legal owners (“Petitioners”) for the property located at 708 Weil Mandel Way, Hunt Valley (the “Property”). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”), §400.3 to approve an accessory building (detached garage) at total height of 25 ft. in lieu of the required maximum height of 15 ft. The Property and requested relief is more fully depicted on the site plan (the “Site Plan”) that was marked and accepted into evidence as Petitioners’ Exhibit 1. There were no Zoning Advisory Committee (“ZAC”) comments received in this case.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 17, 2021, 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 Section 32-3-303 of the Baltimore County Code (“BCC”). Petitioners are requesting to construct a detached garage 4 ft. behind the rear foundation line of the house as depicted on the Site Plan. The need for the additional height of the garage is to match the dormers on the existing attached garage. 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 that comply with the requirements of BCZR, §307.1. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners in that they would not be able to construct the detached garage to match the height of the existing garage.

Although the Department of Planning did not make any recommendations related to the proposed accessory building (detached garage) height and usage, I will impose conditions that the detached garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, will not have separate electric or utility connections, or 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 4<sup>th</sup> day of **November, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (“BCZR”), §400.3 to approve an accessory building (detached garage) behind the rear foundation of the home, at total height of 25 ft. in lieu of the required maximum height of 15 ft. in accordance with the Site Plan (Pet. Ex. 1), be, and it is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. 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.

2. Petitioners and/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.
3. The proposed detached garage shall not have a separate utility/electric meter; it shall connect to the utility and electric in the house.
4. 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  
MAUREEN E. MURPHY  
Administrative Law Judge for  
Baltimore County

MEM:dlw