

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(4815 Bart Allen Lane)		
11 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Emmanuel & Donna Gikas	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2021-0239-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, Emmanuel and Donna Gikas (“Petitioners”). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) §400.3 to permit an accessory structure (pole barn) with a height of 22 ft. in lieu of the required 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 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 August 28, 2021, and as re-photographed on September 12, 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”). 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.

Although the Department of Planning did not make any recommendations related to the proposed accessory structure (detached pole barn) height and usage, I will impose conditions that the detached pole barn 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 **21st** day of **September, 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 permit an accessory structure (pole barn) with a height of 22 ft. in lieu of the required maximum height of 15 ft., be and 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 or subsequent owners shall not convert the detached pole barn into a dwelling unit or apartment. The proposed detached pole barn shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

3. The proposed garage shall not have a separate utility/electric meter; it shall connect to the utility and electric in the house.
4. The proposed detached pole barn 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

MAUREEN E. MURPHY
Administrative Law Judge for
Baltimore County

MEM:dlw