

JB (AV) 9-21-15

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1006 Rohe Farm Lane)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Wayne C. and Patricia Ann Carroll	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0050-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 property, Wayne C. and Patricia Ann Carroll ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a detached accessory building (garage) with a height of 24 ft. in lieu of the maximum required 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 6, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

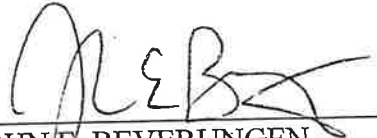
The site plan indicates the subject property is approximately 0.539 acres in size, and the state tax records reflect the property is improved with a single family dwelling constructed in 1916. The state records indicate the two-story single family dwelling contains 2,020 sq. ft. of

above grade enclosed area.

Petitioners propose to construct a 30' x 60' two-story garage, which would contain 3,600 sq. ft. of above grade enclosed area. In these circumstances, the proposed garage would be larger (in both ground floor area and above grade enclosed area) than the existing single family dwelling. As such, the garage would not constitute an "accessory" structure. The zoning regulations provide that an accessory structure must be "subordinate in area" to the principal structure. B.C.Z.R. § 101.1. The petition for variance must therefore be denied.

THEREFORE, IT IS ORDERED, this 24th day of **September, 2015** by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a detached accessory building (garage) with a height of 24 ft. in lieu of the maximum required 15 ft., be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw