

**IN RE: PETITION FOR ADMIN. VARIANCE**  
S side of Piney Hill Road; 3,192 feet SE of  
the c/l of Hereford Road  
8<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
(949 East Piney Hill Road)

**Nicholas Markakis**  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2010-0100-A**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Nicholas Markakis, for property located at 949 East Piney Hill Road in the Monkton area of Baltimore County. The Variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 24 feet in lieu of the required 15 feet from the highest point at grade. The subject property and requested relief are more particularly described on the site plan that was filed with the Petition for Variance. Petitioner wishes to construct a detached garage with a proposed footprint measuring approximately 45 feet wide by 32 feet deep, measuring 1,400 square feet in size. The ground level of the garage would have space for vehicles and storage, and the second floor would contain an exercise room. According to his Affidavit in support of the variance request, Petitioner is a professional athlete and the exercise room is necessary due to the physical requirements demanded by his job. It is essential that he have an area in which to train and work out during the winter months. There is no other place available in the home for a designated work out area. The property contains 1.72 acres and is served by private well and septic systems.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated October 13, 2009, which does not oppose the request, but recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 3, 2009 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 Section 32-3-303 of the Baltimore County Code. 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 Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

It is also worth noting, in the context of this request, that the Petitioner is a well-known local professional athlete in the midst of a promising career as an outfielder with the Baltimore Orioles professional baseball team. The team has presently made Petitioner a cornerstone of the franchise and it appears Petitioner desires to maintain his high level of play by keeping in top physical condition. The Petitioner is moving to the residence where he will live during the off-season to train. As such, he will need a comprehensive facility for his use and convenience. I find that allowing the Petitioner to have a bathroom in the training facility located on the second floor of the garage, as shown on the site plan, is also appropriate in this instance. Therefore, I will only

impose conditions that the Petitioner not convert the subject accessory structure into a dwelling unit or apartment, and the accessory structure shall not be used for commercial purposes.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 22<sup>nd</sup> day of October, 2009 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 24 feet in lieu of the required 15 feet be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit 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, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner or subsequent owner shall not convert the subject accessory structure into a dwelling unit or apartment.
3. The accessory structure 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  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz