

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
E side of Grace Ridge Court, 535 feet E of	*	OFFICE OF
the c/l of York Road	*	ADMINISTRATIVE HEARINGS
7 <sup>th</sup> Election District	*	FOR BALTIMORE COUNTY
3 <sup>rd</sup> Councilmanic District	*	
<b>(11 Grace Court)</b>	*	<b>Case No. 2011-0317-A</b>
Diane and Charles Utermohle, III		
<i>Petitioners</i>		

\* \* \* \* \*

### **OPINION AND ORDER**

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Diane and Charles Utermohle, III for property located at 11 Grace Court. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed detached accessory structure (two car garage) to have a height of 19½ feet in lieu of the maximum allowed 15 feet, and to amend the Final Development Plan of Timber Ridge, Lot 9 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. The proposed garage is designed to be architecturally compatible with the existing dwelling with matching color and detailing of brick, color and style of siding, same windows, overhead doors, fascia, louvered vents and shingles. The structure will have a roof pitch of 7/12. The property contains 2.65 acres zoned RC 5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 8, 2011, 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. 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 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 Petitioners.

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 Administrative Law Judge for Baltimore County, this 3rd day of June, 2011 that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed detached accessory structure (two car garage) to have a height of 19½ feet in lieu of the maximum allowed 15 feet, and to amend the Final Development Plan of Timber Ridge, Lot 9 only is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
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.

\_\_\_\_\_Signed\_\_\_\_\_  
TIMOTHY M. KOTROCO  
Administrative Law Judge  
for Baltimore County

TMK:pz