

**IN RE: PETITION FOR ADMIN. VARIANCE
(1907 Cape May Road)**

Stephen E. and Ellen A. Granger
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2013-0050-A**

* * * * *

MOTION FOR RECONSIDERATION
ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for Baltimore County as a Motion for Reconsideration filed by David W. Billingsley, on behalf of the legal owners of the property, Stephen E. and Ellen A. Granger. The Petitioners originally filed an Administrative Variance for property located at 1907 Cape May Road. The relief was requested from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit accessory structures (shed and garage with second story) to be located in the front and side yards of the principal dwelling in lieu of the required rear, and to permit an accessory structure (garage with second story) to have a height of 24' in lieu of the permitted 15'.

By Opinion and Order dated October 3, 2012, the undersigned granted the Administrative Variance request, with conditions, in accordance with the site plan and documentation within the case file.

On October 10, 2012, David W. Billingsley, Central Drafting and Design, Inc., filed a timely Motion for Reconsideration of my Order dated October 3, 2012. In the Motion, he raised concern about Condition No. 2, in particular not being able to have bathroom facilities. Mr. Billingsley explained the second floor of the garage will be used for storage, sewing room and woodworking

shop, and that the Petitioners now would like to include a powder room (sink and toilet only) for clean-up purposes. Mr. Billingsley advised that the Petitioners have no intention of using the shed or garage as an apartment or for commercial use.

After due consideration of the argument raised by Mr. Billingsley, I must deny the Motion. The petition in this case, as was proper, sought relief from the location and height restrictions set forth in B.C.Z.R. Sections 400.1 and 400.3. That is the extent of the relief permitted in a variance case. The decision to permit (or not) bathroom facilities must be made by the County's zoning, public works and (in the case of a property served by well and septic) environmental departments. While nothing in the October 3, 2012 Order prohibits the construction of bathroom facilities in the proposed garage, approval for same must be sought from the aforementioned agencies.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 7th day of November, 2012, that the Petitioners' Motion for Reconsideration, be and is hereby DENIED.

IT IS FURTHER ORDERED that all other terms and conditions of the Order granted on October 3, 2012 shall remain in full force and effect.

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

Signed
LAWRENCE M. STAHL
Managing Administrative Law Judge for
Baltimore County

LMS:dlw