

IN RE: PETITION FOR ADMIN. VARIANCE
N side of Grasty Woods Lane; 1,167 feet E of
the c/l of Greenspring Avenue
3rd Election District
1st Councilmanic District
(2800 Grasty Woods Lane)

David and Stacey Berman
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0248-A**

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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 owners of the subject property, David and Stacey Berman for property located at 2800 Grasty Woods Lane. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) in the front yard with a height of 18 feet in lieu of the required rear yard with a maximum permitted height of 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a detached garage to replace a carport (approximately 25 feet x 22 feet) that was damaged during the heavy snowfalls of February, 2010. The carport cannot be repaired and Petitioners now wish to construct a detached garage measuring approximately 22 feet x 29 feet. This proposed garage would be constructed in approximately the same location as the damaged carport. Petitioners' property is irregular in shape with the existing dwelling constructed toward the front portion of the property. Said property is encumbered by a private utility easement, a storm drain and utility easement and a stream change easement. The property contains 2.240 acres and is served by private water and public sewer.

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 April 5, 2010 which 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. Architectural elevations shall be submitted to the Office of Planning Second District Community Planner prior to the issuance of any building permit.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 1, 2010 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 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 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 Deputy Zoning Commissioner for Baltimore County, this 20th day of April, 2010 that a Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) in the front yard

with a height of 18 feet in lieu of the required rear yard with a maximum permitted height of 15 feet 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 Petitioner 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.
4. Architectural elevations shall be submitted to the Office of Planning Second District Community Planner prior to the issuance of any building permit.

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

SIGNED
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz