

**IN RE: PETITION FOR ADMIN. VARIANCE**

W side of York Road, 1300 feet S of  
Old York Road  
7<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
**(21010 York Road)**

Manuel J. and Tammy L. Rivera  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2010-0346-A**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Manuel J. and Tammy L. Rivera. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (garage) to be located on the side of the dwelling with a height of 16 feet in lieu of the required rear and maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan which was marked and accepted into evidence as Petitioners’ Exhibit 1. Petitioners desire to construct a detached garage measuring approximately 26 feet x 27 feet. The property slopes upward from the front to the back yard, making strict compliance with the zoning regulations by locating the structure to the rear very difficult. Side yard placement of the proposed garage will minimize impervious material on-site. Placement of the additional garage in the side yard will avoid removal of old-growth trees. The existing single car detached garage was previously granted an Administrative Variance in Case No. 2008-0450-A and approved by the Undersigned on June, 24, 2008.

The property is historic and listed as #BA-2948 on the Maryland Historic Trust Inventory. The property is also on the County’s Preliminary and Final Landmark List as #195 - “Spinster

Hill” (Albert Woodruff House), 21010 York Road, Maryland Line vicinity. Vicki Nevy in the Office of Planning was contacted to determine if the proposed improvements needed to be reviewed by the Landmarks Preservation Commission. According to Ms. Nevy, with regard to the proposed detached accessory structure (garage), because there is no Historic Environmental Setting associated with this property, the LPC has no purview over the project; nonetheless, staff in her office would certainly recommend a new garage be compatible and in scale with the landmark structure.

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 June 28, 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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 20, 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 8<sup>th</sup> day of July, 2010 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (garage) to be located on the side of the dwelling with a height of 16 feet in lieu of the required rear and maximum allowed 15 feet is hereby GRANTED, subject to the following:

1. 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, 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.

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