

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

S side of Monkton Road; 310 feet W of  
the c/l of Gariel Avenue  
10<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
**(1915 Monkton Road)**

Neil J. and Joann N. Ruther  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2010-0283-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 owners of the subject property, Neil J. and Joann N. Ruther for property located at 1915 Monkton Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage with a height of 18 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. There is currently no garage on the property. Therefore, Petitioners desire to construct a detached garage measuring 24 feet x 24 feet to store vehicles and lawn equipment. These items have been vulnerable to damage by exposure to the elements. The height of the garage cannot be reduced without sacrificing appropriate architectural compatibility with the adjacent buildings and neighborhood. The property is located within the Monkton County Historic District. (County Inventory #CI-508 and MIHP #BA-508). The proposed detached garage was approved by the County Landmarks Preservation Commission at their meeting on April 8, 2010. The existing dwelling was constructed in 1862 long before the imposition of zoning regulations on the property.

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 May 4, 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 April 24, 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 17<sup>th</sup> day of May, 2010 that a Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage with a height of 18 feet in lieu of the permitted 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.

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