

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

NW corner of Brentwood Avenue and  
Monumental Avenue  
12<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
**(6724 Brentwood Avenue)**

Anthony Dale Peterson  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2010-0056-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 owner of the subject property, Anthony Dale Peterson Charles Howard for property located at 6724 Brentwood Avenue. The variance request is from Sections 400.1 and 400.3 to permit an accessory structure (pool house/shed combination) be located in the third part of the lot closest to the street and with a height of 15 feet 9 inches in lieu of the required third part of the lot farthest removed from the street and a height of 15 feet, respectively. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Said accessory structure is already constructed and in use. Petitioner’s contractor constructed the building 9 inches higher than permitted. Photographs submitted by the Petitioner show an attractive accessory structure. It would be unreasonable to require the Petitioner to remove an already constructed building.

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 September 14, 2009, 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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 30, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.

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 September, 2009 that a variance from Sections 400.1 and 400.3 to permit an accessory structure (pool house/shed combination) be located in the third part of the lot closest to the street and with a height of 15 feet 9 inches in lieu of the required third part of the lot farthest removed from the street and a height of 15 feet, respectively is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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