

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

SW corner of Hayden Court and  
Valleyfield Road  
8<sup>th</sup> Election District  
2<sup>nd</sup> Councilmanic District  
(8614 Valleyfield Road)

**Scott Rupprecht**  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FORBALTIMORE COUNTY  
\* **CASE NO. 2011-0106-A**

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for an Administrative Variance filed by the legal owner of the subject property, Scott Rupprecht. Petitioner is requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side street setback of 12 feet in lieu of the required 30 feet for an attached garage. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

On September 21, 2010, the Undersigned called for a formal hearing on this matter based on the negative Zoning Advisory Committee (ZAC) comments from the Office of Planning. The hearing was subsequently scheduled for Monday, November 29, 2010 at 11:00 AM in Room 104 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

Appearing at the requisite public hearing in support of the variance request was Petitioner Scott Rupprecht. Appearing on behalf of the Office of Planning was Diana Itter. There were no other interested persons in attendance.

Testimony and evidence offered revealed that the subject property is irregular shaped and contains approximately 10,667 square feet or 0.245 acre, more or less, zoned D.R.3.5. The property is located at the southwest corner of Haden Court and Valleyfield Road, north of Seminary Avenue and west of Interstate 83, in the Lutherville area of Baltimore County. As shown on the site plan and the aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 2, the subject site is improved with an existing two-story colonial style dwelling. According to the Real Property Data Search printout that was marked and accepted into evidence as Petitioner's Exhibit 3, the dwelling was built in 1965 and Petitioner and his wife have owned the property since 2006. At this juncture, Petitioner desires to construct a two car garage addition to the north side of the dwelling, on the same side where the existing driveway terminates.

In support of the variance request, Petitioner indicated that his home is different from most of the other homes in the Court and in the neighborhood because it is two stories and because most of the other homes have what he termed "built-in" one car garages into the lower or ground levels of the homes, as well as split level or split foyer styles. He also pointed out that the positioning of his home is unusual in that it is placed diagonally on this primarily square shaped lot (but for an indentation from the shape of the Court). The other homes further into the Court are placed so they more traditionally front the public street. His home, on the other hand, has very little "direct" street frontage. Another unusual feature is that, although his driveway and partial frontage are on Haden Court, his street address is a Valleyfield Road address.

On behalf of the Office of Planning, Ms. Itter essentially reiterated her comments from the Zoning Advisory Committee (ZAC) dated October 14, 2010 which states, "It does not appear that the lot is unique and also it appears that the practical difficulty is self-imposed. In the opinion of

the Office of Planning a 12 foot setback variance would be out of keeping with the area. The applicant may redesign the addition to a one-car garage instead of a two-car garage, which would increase the setback from the side street. There were no other ZAC comments from other agencies.

After considering all of the testimony and evidence presented at the hearing, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In my judgment, what drives the need for the variance in this case and makes the proposed attached garage more prominent is the diagonal placement of the dwelling on the property. When the home was built 45 years ago, if it had been placed more parallel to either Haden Court or Valleyfield Road, the potential impact of an addition such as a garage may have been lessened. I understand the Office of Planning's position and their view that the garage addition might impact the next door neighbor in the Court to the west because the garage will feature prominently in that property owner's front yard view. But in my judgment, this alone is not a significant enough impact to warrant denial of the relief, especially when there was no evidence of opposition or concern on the part of that neighbor.

I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner. Petitioner would not have the ability to construct an addition that is otherwise permitted by the Regulations. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 9<sup>th</sup> day of December, 2010 by this Deputy Zoning Commissioner that Petitioner's Administrative Variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side street setback of 12 feet in lieu of the required 30 feet for an attached garage be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. As depicted on the site plan, the garage shall be one story and attached to the dwelling. It shall be constructed of materials similar in appearance and quality to that of the single-family dwelling in order to fit in with the character and aesthetics of the existing home and the neighborhood.

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

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SIGNED  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz