

IN RE: PETITION FOR ADMIN. VARIANCE

West side of Carroll Road; 551 south
of Glencoe Road
10th Election District
3rd Councilmanic District
(15214 Carroll Road)

Victoria H. Chew
Petitioner

Tracy A. Lott
Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 2011-0069-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 owner of the subject property, Victoria H. Chew for property located at 15214 Carroll Road. 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) to be located in the side yard with a height of 25 feet in lieu of the required rear yard and maximum height of 15 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to construct a detached garage measuring 24 feet x 34 feet 4 inches x 25 feet high. The garage cannot be placed in the rear yard due an existing in-ground swimming pool and the topography. With five children, four of whom are driving cars, the additional garage is a necessity. The second floor of the proposed garage will be used for the Petitioner’s personal use. The property contains 3.167 acres and is served by private sewer and water.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated September 15, 2010 which indicates that the proposed garage

permit will be reviewed by Groundwater Management for well and septic setbacks. There is a concern that the lot will be used for the creation of another living unit. Recommend a restriction that there will not be a bedroom or kitchen in the loft.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 21, 2010 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, 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. Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions 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.

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 16th day of September, 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) to be

located in the side yard with a height of 25 feet in lieu of the required rear yard and maximum height of 15 feet is hereby GRANTED, subject to the following:

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

Deputy
for

SIGNED

THOMAS H. BOSTWICK
Zoning Commissioner
Baltimore County

THB:pz