

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
<b>(152 Holly Circle)</b>		
15 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
6 <sup>th</sup> Councilman District		
A. Glen, Jr. & Katherine W. Mansberger	*	HEARINGS FOR
<i>Legal Owners</i>		
Petitioners	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2014-0031-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by A. Glen, Jr. & Katherine W. Mansberger, the legal owners of the subject property. The Petitioners are requesting Variance relief from Section 415A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit storage of 4 recreational vehicles on residential property in lieu of the maximum allowed 1 recreational vehicle. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was A. Glen, Jr. & Katherine W. Mansberger. The file reveals that the Petition was properly advertised and posted as required by the Baltimore County Zoning Regulations. Several citizens attended the hearing and opposed the petition, and their names are listed in the case file.

The only substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS), which indicated that the subject property is located within the Chesapeake Bay Critical Area, and that the Petitioners must satisfy the critical area regulations.

Testimony and evidence revealed that the subject property is approximately .1672 square

feet and is zoned DR 3.5. The property is improved with a single family dwelling and a small garage, as shown on the site plan. Exhibit 1. Though the petition references four (4) “recreational vehicles,” the evidence in the case indicates that only one of the vehicles on the property meets the B.C.Z.R. definition of that term.

The Petitioners own a boat (a red outboard motor boat on a trailer, as shown in the photographs marked as Citizens’ Exhibit #5), and that is a “recreational vehicle” under B.C.Z.R. §§ 101 & 415A. The Petitioners own two (2) jet skis which are apparently also stored on a trailer, though no photographs of these vehicles were submitted. Significantly, the County Council in 1993 (Bill No. 54-1993) enacted a regulation which provides that “jet-propelled skis shall not be considered boats or recreational vehicles” under the B.C.Z.R. As, such, the two (2) jet skis referenced in the hearing are not considered recreational vehicles for purposes of this case.

The other vehicles owned by Petitioners and stored at the property include a utility trailer and box trailer, and both of these are shown in photographs submitted. As with the jet skis, these vehicles are not recreational vehicles under the B.C.Z.R. The zoning regulations define “recreational vehicle and boat” as follows:

A vehicular type unit which is primarily designed for recreation, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which, except for a boat kept in water, is not more than 35 feet in length and which, in general, is of such size and weight as not to require special highway movement permits when driven or drawn by a passenger automobile or pickup truck. The following shall be considered recreational vehicles:

- A. **BOAT** — A recreational boat with or without a trailer. If in combination with a trailer, a boat is normally towed by a vehicle.
- B. **CAMPING TRAILER** — A vehicular portable unit mounted on wheels and constructed with collapsible side walls which fold down for towing by another vehicle and unfold at campsite to provide temporary living quarters.
- C. **FIFTH-WHEEL TRAILER** — A vehicular portable unit mounted on wheels, designed and constructed to be towed by a passenger automobile or pickup truck fitted with a fifth-wheel hitch.
- D. **MOTOR HOME** — A vehicular unit built on a self-propelled motor vehicle chassis.
- E. **TRAVEL TRAILER** — A vehicular portable unit mounted on wheels, designed to be towed by a passenger automobile or pickup truck.

**F. TRUCK CAMPER** — A portable unit designed to be loaded onto, or affixed to, the bed or chassis of a truck or automobile.

Having reviewed the photographs submitted, it appears the Petitioners own and store on the property just one “recreational vehicle” (the red boat). Zoning relief is not needed to store one RV, provided the boat is stored as required by B.C.Z.R. §415A and the trailer has current license tags/plates.

But the foregoing should not be interpreted to mean the Petitioners are in compliance with the regulations. The Baltimore County Code and zoning regulations do not permit commercial enterprises to be conducted from D.R. zoned properties. To the extent the box and/or utility trailers are used in a commercial fashion, that would be in violation of the B.C.Z.R., although that determination must be made by the Code Inspection Bureau, not the undersigned. In addition, the box and utility trailers are likely governed by B.C.Z.R. § 415, which requires that in a residential zone only one trailer can be stored per lot, in a garage or “rear half” of the lot. B.C.Z.R. §415.3. Again, this determination must be made by the Code Inspection Bureau.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the petition for variance relief shall be dismissed without prejudice.

THEREFORE, IT IS ORDERED, this 7<sup>th</sup> day of October, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations (“B.C.Z.R”) to permit storage of 4 recreational vehicles on residential property in lieu of the maximum allowed 1 recreational vehicle, be and is hereby DISMISSED WITHOUT PREJUDICE.

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

Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:sln