

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

N side of Ruth Avenue, 797 feet NW of  
Lodge Farm Road  
15<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
**(2315 Ruth Avenue)**

Cecilia C. Kisielewski and Deborah A. Berdych  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0082-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, Cecilia C. Kisielewski and Deborah A. Berdych for property located at 2315 Ruth Avenue. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a new roof addition over an existing 1 story detached garage with a height of 26 feet in lieu of the maximum allowed 15 feet height. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners propose a new roof addition (additional 11 feet) to accommodate the storage of a recreational vehicle and personal belongings. The basement in the house is useless for storage due to dampness. This additional space will permit the Petitioners access (walk-through) to the storage area. In addition, Petitioners wish to replace the current garage door with a 10-foot garage door in order to properly house the contents within. The subject lot contains 10,000 square feet, more or less, zoned R.C.5 and is in the Chesapeake Bay Critical Area (CBCA).

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated October 9, 2008 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. ZAC comments were also received from the Department of Environmental Protection and Resource Management (DEPRM) dated October 17, 2008 which recommends that development of this property must comply with the CBCA Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code (B.C.C.). This property is located within the Limited Development Area (LDA) of the CBCA. Lot coverage may not exceed 31.25%. Mitigation is required for lot coverage that is between 25 – 31.25%. Also, a 15% afforestation requirement is applicable on-site.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 28, 2008 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 October, 2008 that a variance from Section 400.3 of the Baltimore County Zoning

Regulations (B.C.Z.R.) to permit a new roof addition over an existing 1 story detached garage with a height of 26 feet in lieu of the maximum allowed 15 feet height 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 Petitioners 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.
4. Development of this property must comply with the Chesapeake Bay Critical Area (CBCA) Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code (B.C.C.)
5. This property is located within the Limited Development Area (LDA) of the CBCA. Lot coverage may not exceed 31.25%. Mitigation is required for lot coverage that is between 25 – 31.25%. Also, a 15% afforestation requirement is applicable on-site.

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