

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

SE of Bletzer Road, 15 feet NW of c/l  
of Raymond Avenue  
15<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
**(8101 Bletzer Road)**

William R. and Debbie H. Eichner  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0087-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, William R. and Debbie H. Eichner for property located at 8101 Bletzer Road. The variance request is from Section 400.1.d.2 (Policy Manual) and Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a one foot setback in lieu of the required 30 foot setback on a double frontage lot for a garage, and a height of 18 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners propose to construct a detached garage in the rear of their property.

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 23, 2008 which indicates that the existing lot is mall. Raymond Avenue is a narrow unpaved private road on which two houses face. However, several garages and high privacy fences also fence on Raymond Avenue. The existing site plan (as originally submitted with the Petition for Administrative Variance) does not show the existing 8 foot x 12 foot shed that exists at the location of the proposed garage. This site plan also shows garage doors facing Bletzer Road instead of Raymond Avenue on which the garage is situated. If this is to be the case, show the

driveway access to the garage. Show a rear elevation with windows or other finished materials so that the neighbors facing the garage will not be fronting on a blank wall. If the doors are intended to open onto Raymond Avenue then the garage should be moved forward so that a vehicle entering from Raymond Avenue can turn into the garage without going onto a neighbor's property. The Planning Office also 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. Comments were received from the Bureau of Development Plans Review dated October 7, 2008 which indicates that the proposed garage shall be built at least 5 feet away from the property line out of existing easement. Construction is not permitted on easements. Comments were also received from the Department of Environmental Protection and Resource Management (DEPRM) dated November 6, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. This property is located within the Chesapeake Bay Critical Area and is also in a Limited Development Area. Lot coverage may not exceed 2,025 square feet (25% + 500 square feet). There is also a 15% afforestation (tree coverage) requirement that must be met on-site.

On November 5, 2008, a letter was sent to the Petitioners transmitting the Zoning Advisory Committee (ZAC) comments from the Bureau of Development Plans Review and the Office of Planning. The Petitioners were asked to revise the site plan in response to the ZAC comments from the County agencies. On December 23, 2008, the Petitioners submitted their amended site plan depicting the proposed garage with a 5 feet setback instead of the one foot setback. The revised site plan also depicts windows measuring 30 inches x 50 inches on the side of the garage facing Raymond Avenue. The amended site plan also depicts the existing driveway off Bletzer Road being extended to the new detached garage. The proposed garage measures 24 feet x 30 feet

in size. The existing 8 foot x 12 foot shed shall be removed to allow for construction of the new detached garage.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 5, 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. The Petitioners would be unable to construct a detached garage on the property similar to that which is enjoyed by property owners elsewhere in the neighborhood. The subject property is a double frontage lot – the front of the property faces Bletzer Road and the rear of the property faces Raymond Avenue which is a gravel private road or ‘paper’ road. It appears that there are only three double frontage lots in the neighborhood. Petitioners have withdrawn their request to exceed the 15 foot height restriction. With the amended site plan, the Petitioners’ proposal alleviates concerns raised by the Office of Planning and the Bureau of Development Plans Review.

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 9<sup>th</sup> day of January 2009 that a variance from Section 400.1.d.2 (Policy Manual) and Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 5 foot setback in lieu of the required 30 foot setback on a double frontage lot for a garage be and 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. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. This property is located within the Chesapeake Bay Critical Area and is also in a Limited Development Area. Lot coverage may not exceed 2,025 square feet (25% + 500 square feet). There is also a 15% afforestation (tree coverage) requirement that must be met on-site.
4. 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.
5. 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