

IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND VARIANCE – N/S Foreston Road,	ZONING COMMISSIONER
955' W of c/line of Tracys Store Road *	
(17815 Foreston Road)	OF
5 th Election District *	
3 rd Council District *	BALTIMORE COUNTY
Stanley E. Radecki, et ux	
Petitioners *	Case No. 2009-0158-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Stanley E. Radecki and his wife, Mary F. Radecki. The Petitioners request a special hearing to approve a garage with a larger footprint than the principal building, and variance relief to permit an accessory structure height of 30 feet in lieu of the maximum allowed 15 feet. Relief is requested pursuant to Sections 101 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Stanley Radecki, property owner; David Billingsley of Central Drafting and Design, Inc., who prepared the site plan; Robert Infussi, with Expedite, LLC, who is assisting the Petitioners through the process, and Bart Shook, builder with Pinnacle Design, LLC. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregularly shaped parcel, 351' wide by 511' deep (western boundary), located on the north side of Foreston Road just west of its intersection with Tracys Store Road in Parkton. The property contains an acre of 3.176 acres, more or less, zoned R.C.2 and is improved with a two-story single family dwelling, in-ground swimming pool and a barn at the rear of the property. The Petitioners have

owned and resided on the property since 1978. Testimony indicated that the existing 2,016 square foot home is 49' wide x 24' deep in dimension. The Petitioners purchased a Motorhome Coach and have stored it in the rear side yard adjacent to their driveway. Mr. Radecki testified that the vehicle is frequently used for recreational purposes and that it has been stored outside exposed to the elements since its purchase. The Petitioners now come before me seeking approval to construct an accessory building (garage) large enough to house the motorhome. As shown on the site plan (Petitioners' Exhibit 1) and building elevation drawing (Petitioner's Exhibit 6), a proposed 30' x 45' barn-like structure made of hardy plank will be built on the eastern side of the property between existing mature evergreens (east side) and a large oak tree (west side) that will screen the accessory building. It should also be noted that the property to the east is vacant land, to the north or rear of the property is heavily wooded. *See* photographs (Petitioners' Exhibit 4 – aerial view) and existing conditions (Petitioners' Exhibit 5). This will allow the Radecki's to store the recreational vehicle out of the view from adjacent neighbors and passing motorists traveling on Foreston Road. B.C.Z.R. Section 415A.1A provides in pertinent part a preference that such a vehicle be stored in a garage. Due to the fact that the proposed garage will have a larger footprint than the dwelling and will have a height greater than that allowed by the regulations, variance relief is necessary.

After due consideration of the testimony and evidence presented, I am persuaded that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted and that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioners. As noted above, the closest home beyond the wooded property to the north is 160 feet away; to the west the closest home is over 380 feet. There were no adverse Zoning Advisory Committee (ZAC) comments with any County reviewing agencies. However, the Office of Planning has requested that approval be conditioned to exclude conversions for living space and/or commercial uses.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of February 2009 that the Petitions for Special Hearing and Variance seeking relief, pursuant to Sections 101 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (garage) with an area of 1,350 square feet which is larger than the footprint of the existing dwelling (1,186 square feet) and with a height of 28 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners or their assigns shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:dlw

SIGNED
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County