

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N side of Coskeys Mill Road, 130 feet SW		
of Gores Mill Road	*	DEPUTY ZONING
4 th Election District		
4 th Councilmanic District	*	COMMISSIONER
(810 Cockeyes Mill Road)		
	*	FOR BALTIMORE COUNTY
David Brower		
<i>Petitioner</i>	*	Case No. 2009-0206-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 owner of the subject property, David Brower for property located at 810 Cockeyes Mill Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing accessory structure (formerly a dwelling) to remain in a front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner states that the existing frame building (accessory structure) has been on the property for more than 50 years and was used as a hunting shack, a vacation retreat, and a shelter during family outings as well as for storage. Petitioner states the structure is solidly built and well maintained. The primary residence was constructed in 2004 on property containing 6.15 acres.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 6, 2009, which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen, electric or bathroom facilities, and not be used for commercial purposes.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 18, 2009 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, 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 Petitioner. Photographs submitted by the Petitioner depict a well maintained one-story frame structure with two chimneys, a side entrance and a porch along the rear side of the structure. It appears that the structure could be easily used as another dwelling unit. Therefore, I will condition my approval on the accessory structure not being used as a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen, electric or bathroom facilities, and not be used for commercial purposes. It would be impractical and unreasonable to require the Petitioner to remove the accessory structure.

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 18th day of March, 2009 that a variance from Section 400.1 of the Baltimore County Zoning

Regulations (B.C.Z.R.) to allow an existing accessory structure (formerly a dwelling) to remain in a front yard in lieu of the required rear yard is hereby GRANTED, subject to the following:

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

____SIGNED_____
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz