

IN RE: PETITION FOR ADMIN. VARIANCE
NW side of Allison Lane, 507 feet S of the
c/l of Kenwood Avenue
14th Election District
7th Councilmanic District
(8412 Allison Lane)

William Parker
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0248-A**

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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, William Parker for property located at 8412 Allison Lane. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (garage) to have a height of 26 feet in lieu of the maximum allowed 15. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner wishes to construct a 20 foot x 30 foot x 26 foot high detached garage in the rear yard. Constructing the garage with the additional height will permit the Petitioner to store his box van and tools and supplies used in his home improvement business. The family's personal belongings will also be stored in the new garage. Letters of support were submitted by Mrs. Jane Bauernfeind of 8410 Allison Avenue and Philip Nolan D.D.S. of 8414 Allison Avenue.

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 April 20, 2009 which indicates that the rear yard into which the garage will be placed is deep and partially wooded. It will be situated so that no trees will be removed. The Petitioner indicates that he has submitted letters from his neighbors offering no objections to the size or location of the structure.

Petitioner also says that the design and materials will be the same as the house. The second story will be used for storage only. No portion of the garage may be used as a living unit or for commercial purposes.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 27, 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 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 22nd day of April, 2009 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (garage) to have a height of 26 feet in lieu of the maximum allowed 15 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 owner 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