

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

N side of Omega Court, 235 feet W of  
the c/l of Caspian Road  
11<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
**(7910 Omega Court)**

Michael V. Ruth  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0287-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, Michael V. Ruth for property located at 7910 Omega Court. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 25 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner wishes to construct a new 1½ story detached garage. The current attached garage will be converted into a family room and bedroom for the growing family. The additional garage height will be used for storage of toys, yard furniture and household belongings. A recently inherited recreational vehicle will also be stored in the proposed garage. Elevation drawings of the proposed garage depict a roof containing dormer windows and raised panel garage doors. The property contains 1.05 acres zoned RC 5 and is served by private water and septic systems.

Adjacent neighbors have reviewed the plans, size and placement of the garage and do not object to the variance request. Property owners supporting the proposed garage reside at 7908 Omega Court, 12010 Caspian Road, and 7912 Omega Court. The file also contains a fax dated

June 6, 2009 from Jill Brown of 7905 Omega Court wherein she withdraws her request for a public hearing.

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 May 15, 2009 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.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 3, 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 18<sup>th</sup> day of June, 2009 that a variance from Section 400.3 of the Baltimore County Zoning

Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 25 feet in lieu of the permitted 15 feet 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