

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
East side of Forest Road; 425 feet SE		
of Oakland Road	*	DEPUTY ZONING
15 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(1 Forest Road)		
	*	FOR BALTIMORE COUNTY
Catherine R. Crump Resavage		
<i>Petitioner</i>	*	Case No. 2009-0332-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, Catherine R. Crump Resavage for property located at 1 Forest Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory building (garage) to be located in the side yard with a height of 18 feet in lieu of the required rear yard only with a maximum allowed height of 15 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. The Petitioner wishes to construct a garage to protect vehicles from the elements.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated July 13, 2009 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 31.25%. Lot coverage over 25% will require mitigation or payment of a fee-in-lieu. In addition, the 15% afforestation requirement must be met which equates to three (3) trees. Although the Office of Planning did not make any recommendations related to the garage

height and usage, I will impose conditions 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 July 14, 2009 which indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 5, 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, 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.

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 29th day of July, 2009 that a Variance from Sections 400.1 and 400.3 of the Baltimore

County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory building (garage) to be located in the side yard with a height of 18 feet in lieu of the required rear yard only with a maximum allowed height of 15 feet be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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. 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. The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 31.25%. Lot coverage over 25% will require mitigation or payment of a fee-in-lieu. In addition, the 15% afforestation requirement must be met which equates to three (3) trees.
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.
6. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
7. The flood protection elevation for this site is 11.2 feet.
8. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
9. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
10. The building engineer shall require a permit for this project.
11. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
12. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

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