

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

W side of Charles Street Avenue, 440 feet  
S of the c/l of Eton Road  
9<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
**(514 Charles Street Avenue)**

Scott P. Recher  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2010-0096-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, Scott P. Recher for property located at 514 Charles Street Avenue. The variance request is from the 1945-1953 Baltimore County Zoning Regulations (B.C.Z.R.) Section I, Definitions 1, Section III A Residential A. 13(a) to permit a proposed detached accessory structure (garage) to be located in the front yard with a height of 21½ feet in lieu of the required rear yard and maximum allowed 15 feet height. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. The existing dwelling was constructed without a basement and there is a lack of storage for the family’s needs. The attic space in the new garage will be used for storage. Due to the narrow width of the property, the placement of the existing dwelling and the sloped topography and stream, the front yard is the only place to locate the garage. All major buildings, including existing and proposed, will be set back approximately 140 feet from the street and will be partially screened by the existing trees.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief. 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.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 26, 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.

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 19<sup>th</sup> day of October 2009 that a variance from the 1945-1953 Baltimore County Zoning Regulations (B.C.Z.R.) Section I, Definitions 1, Section III A Residential A. 13(a) to permit a proposed detached accessory structure (garage) to be located in the front yard with a height of 21½ feet in lieu of the required rear yard and maximum 15 feet allowed height 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 or kitchen 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