

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Windy Ridge Road; 940 feet NE
of the c/l of Fork Road
11th Election District
3rd Councilmanic District
(6219 Windy Ridge Road)

Matthew McConville and Renee Vanderstelt
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0241-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 owners of the subject property, Matthew McConville and Renee Vanderstelt for property located at 6219 Windy Ridge Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1) to permit a proposed detached accessory structure to have a height of 20 feet and to be located on the side yard of a dwelling in lieu of the maximum allowed 15 feet height and permitted rear yard; and 2) to permit an existing detached accessory structure to be located in the front yard in lieu of the required rear. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners propose to construct a detached accessory structure measuring approximately 1,000 square feet in size. The structure will be setback from the street the same amount as the existing dwelling. The rear of the property slopes downward toward the drainfield. Petitioners are artists and educators and plan to use the structure as a double studio and workshop area, making large scale drawings and paintings which necessitates higher interior walls at 10 feet. The roofline of the new accessory structure will closely match the pitch of the existing dwelling. The rear yard of the property is encumbered with a septic system and the septic reserve area as well as significant slopes. The existing accessory structure (garage) was constructed on the

property prior to the Petitioners' purchase in 2009. This structure is in good condition and is useful for storing cars and a lawn mower. Petitioners' floor plan for the proposed accessory structure depicts a utility sink located in workroom #1 and a powder room consisting of a sink and a commode. The property contains 5.65 acres and is served by private sewer and water.

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 6, 2010, which indicates that Office does not oppose the Petitioners' request and recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, or kitchen facilities, and not be used for commercial purposes.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 21, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have 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. I will permit a utility sink to be located in workroom #1 and a powder room consisting of a sink and a commode in the proposed accessory structure. None of the surrounding property owners expressed any concern about the proposed 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 14th day of April, 2010 that a variance from Section 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) to permit a proposed detached accessory structure to have a height of 20 feet and to be located on the side yard of a dwelling in lieu of the maximum allowed 15 feet height and permitted rear yard; and 2) to permit an existing detached accessory structure to be located in the front yard in lieu of the required rear is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. 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 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