

**IN RE: PETITION FOR ADMIN. VARIANCE**  
NW side of Rollingbrook Road; 200 feet SW  
of Monmouth Road  
1<sup>st</sup> Election District  
1<sup>st</sup> Councilmanic District  
**(98 Rollingbrook Way)**

Raymond M. and Patricia A. Holtschneider  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2010-0292-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 owners of the subject property, Raymond M. and Patricia A. Holtschneider for property located at 98 Rollingbrook Way. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a proposed accessory structure (detached garage) with a height of 28 feet in lieu of the maximum permitted 15 feet height. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a detached garage measuring 46 feet x 30 feet. The additional garage height is to match the architectural design of the existing dwelling as well as provide additional storage for the family. The property contains 1.67 acres.

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 14, 2010 which indicates that the structure shall not be located in a 100 year floodplain or in any forest buffer easement required by the Department of Environmental Protection and Resource Management. The proposed structure shall not contain any cooking or bathroom facilities, and shall not be used for commercial purposes.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 30, 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. Although the Office of Planning did not make a complete recommendation related to the garage usage, I will impose additional conditions that the accessory structure not be converted into a dwelling unit or apartment, and shall not contain any sleeping quarters or living area.

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 20<sup>th</sup> day of May, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed carport with a rear yard and side yard setbacks of 0 feet and be located in the third part of the rear yard closest to the road in lieu of the required 2.5 feet and third part of the rear yard farthest removed from the road, respectively 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 Petitioner 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.
3. The accessory structure shall not be used for commercial purposes.
4. The accessory structure shall not be located in a 100 year floodplain or in any forest buffer easement required by the Department of Environmental Protection and Resource Management.

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