

-IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND VARIANCE	
15 th Election District *	OFFICE OF
6 th Councilman District	
(10518 Vincent Farm Road) *	ADMINISTRATIVE HEARINGS
Eric M. Tenney & Rachel L. Christopher	
Petitioners *	FOR BALTIMORE COUNTY
	Case No. 2013-0122-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Eric M. Tenney and Rachel L. Christopher, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to allow an accessory building (garage) with a footprint of 960 sq. ft. which is larger than that of the principal use (dwelling) 825 sq. ft. In addition, a Petition for Variance was filed pursuant to B.C.Z.R. § 400.3 to permit an accessory building (garage) with a height of 18 ft. in lieu of the permitted 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the public hearing in support of the requests were Eric M. Tenney and David Billingsley from Central Drafting and Design, Inc, who prepared the site plan. The file reveals that the Petition was properly posted and advertised as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case.

The only substantive comment was received from the Department of Planning (DOP), which expressed concerns about the side yard setback for the proposed garage. The Petitioner revised the site plan and increased the side yard setback to 12' (from 8') to comply with the DOP's recommendations

The subject property is 20,000 square feet and is zoned RC 3. The Petitioners purchased the house in 2011, and Mr. Tenney is an automotive enthusiast. As such, he wants to construct the garage so he will have space to store and work on his vehicles, and also to store a boat that is now located in his driveway. Exhibits 6A and 6B.

Based on the evidence presented, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). The house is very small (825 sf.) and provides almost no storage capacity, which renders it unique for zoning purposes. Also, the Petitioners would experience a practical difficulty if the regulations were strictly enforced, given that a 15' tall garage would not provide sufficient room to store the boat and service Petitioners vehicles. The requested relief is extremely modest, and will have no impact upon the neighborhood.

I also believe the request for Special Hearing should be granted. As noted, the dwelling is quite small, and the proposed garage is only slightly larger (approximately 15%). In these circumstances, I believe the Special Hearing relief is appropriate and will not have any negative impact upon the community.

Pursuant to the posting of the property, public hearing, and after considering the testimony and evidence offered, I find that Petitioners Special Hearing and Variance requests should be granted.

THEREFORE, IT IS ORDERED this 14th day of January, 2013, by the Administrative Law Judge, that the Petition for Special Hearing seeking relief from § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to allow an accessory building (garage) with a footprint of 960 sq. ft. which is larger than that of the principal use (dwelling) 825 sq. ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance filed pursuant to B.C.Z.R. §400.3 to permit an accessory building (garage) with a height of 18 ft. in lieu of the permitted 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits 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, 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, kitchen or bathroom facilities.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln