

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(32 Stemmers Run Road)</b>		
15 <sup>th</sup> Election District	*	OFFICE OF
7 <sup>th</sup> Council District		
Eugene Eckert & Lea Schafer	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
<b>Petitioners</b>		
	*	<b>Case No. 2019-0371-SPH</b>

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**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Charles and Jeannie Peters, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for an accessory use garage that is larger in area than the primary structure as defined in Section 101.1 of the BCZR. A site plan was marked and admitted as Petitioners’ Exhibit 1.

The property owners, Eugene and Lea Eckert appeared in support of the petition, as did their consultant Lee Giroux who had prepared the site plan. Ms. Giroux also offered Exhibit 2, a packet containing numerous photos of the subject property as well as architectural drawings and stock photos of the structure the Petitioners intend to construct.

There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comment were received from the Department of Environmental Protection and Sustainability (“DEPS”) and the Department of Planning (“DOP”).

The subject property is 11,648 square feet in size and is zoned BL-BR. There is an 1107 square foot home on the property that is being used as Petitioners’ primary residence. As depicted

in the Plan and in the architectural drawings in Exhibit 2, the proposed structure will be 1200 square feet, thereby exceeding the residential structure by 93 square feet. The Petitioners therefore request relief from BCZR Section 101.1, which states that accessory structures are to be “subordinate in area.”

Mr. Eckert testified that he needs this size structure for storage, and that the pre-fabricated nature of the structure made the square footage inflexible. The undersigned questioned Mr. Eckert about the DOP and DEPS comments. He testified that he intends to use the building strictly for storage and affirmed that it will not be used for any residential or commercial purpose. He further agreed that he would not seek to put the structure on a separate utility meter. The undersigned explained to him that he would need approval from DEPS prior to obtaining any building permits and that the stream setback requirements may require him to move the structure closer to the residential structure. Mr. Eckert also acknowledged this.

As stated above, there were no interested persons or protestants at the hearing and Mr. Eckert stated that he had communicated with the neighbors on either side of him and had received no objection to his plans.

Based on the foregoing, I find that the requested relief will not injure the public health, safety and welfare and is not in violation of the spirit and intent of the BCZR.

THEREFORE, IT IS ORDERED this 4<sup>th</sup> day of **October, 2019** by this Administrative Law Judge, that the Petition for Special Hearing for an accessory use garage that is 93 square feet larger in area than the primary structure as defined in Section 101.1 of the BCZR. The requested relief therefore shall be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners or subsequent owners shall not convert the storage structure into a dwelling unit or apartment. The proposed structure shall not contain any sleeping quarters, living area, or kitchen or bathroom facilities.
3. The proposed structure shall not be used for commercial purposes.
4. Prior to issuance of permits Petitioners must comply with the ZAC submitted by the DEPS, a copy of which is attached hereto and made a part hereof.

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

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Signed  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM:slh