

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(4428 Walnut Road)	*	OFFICE OF
13 th Election District	*	ADMINISTRATIVE HEARINGS
1 st Council District	*	
	*	FOR BALTIMORE COUNTY
Patrick J. Snyder, <i>Legal Owner</i>	*	
Petitioner	*	Case No. 2019-0471-SPHA
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Patrick J. Snyder, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”): (1) to approve a proposed accessory structure – a detached garage - with a footprint that is not subordinate to the principal building residence on the same lot pursuant to Sections 101.1 and 400.1 of BCZR and from Section 400.1.e of the Zoning Commissioner’s Policy Manual (“ZCPM”). In addition, a Petition for Variance was filed pursuant to BCZR Section 400.3 to permit a proposed detached garage building with a height 17 ft. in lieu of the maximum allowed 15 ft. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Patrick Snyder, the property owner, appeared in support of the requests. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”).

SPECIAL HEARING

Mr. Snyder testified that he wants to construct this garage to house woodworking equipment that he uses to mill and cut wood for ongoing renovations he is doing on his residence, which was built in 1908. He also has two antique Chevrolet pick-up trucks that he wants to work on and store in the garage. He testified that he will not conduct any commercial wood-working or auto repair activity in the garage and that it will be used strictly for his personal use. He also acknowledged that he is not permitted to have a separate utility meter for the garage and that it cannot be used for any residential purpose. He testified that his lot is .71 acres and the Site Plan shows that the size and location of the garage will be in conformance with BCZR Sec. 400.1. He also noted that there are several similar large garage structures in the immediate area. He submitted an aerial My Neighborhood photo that confirms these facts. It was admitted as Petitioner's Exhibit 2. Finally, he testified that he has spoken with his adjoining neighbors and they have no objection to the proposed garage. Based on this testimony and evidence I find that the Special Hearing relief is appropriate and is within the spirit and intent of the BCZR.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The site in question is a trapezoid and is at the end of a dead end road and abutting a forested area which is in turn abutted by I-895. As such the property is unique. If the Regulations

were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to build the garage structure he needs to house his wood-working equipment and antique trucks. Finally, I find that the 3 foot height variance (17'6" in lieu of 15') can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED this **25th** day of **November, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing: (1) to approve a proposed detached garage with the footprint which is not subordinate and customarily incidental to and on the same lot with a main building pursuant to Sections 101.1 and 400.1 of BCZR and from Section 400.1.e of the Zoning Commissioner's Policy Manual ("ZCPM") be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a proposed detached garage building with a height 17' 6" in lieu of the maximum allowed 15', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner would be required to return the subject property to its original condition.
2. There shall be no second electric meter installed in conjunction with the proposed garage.
3. The garage structure may not be used for principal residential purposes.
4. The garage may not be used for any commercial purpose.

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

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

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