

IN RE: PETITION FOR ADMIN. VARIANCE
SE side of intersection of Park Drive and
Hillcrest Avenue
9th Election District
5th Councilmanic District
(7509 Park Drive)

Thomas J. and Elizabeth A. Billings
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0003-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, Thomas J. and Elizabeth A. Billings for property located at 7509 Park Drive. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the third of the lot closest to the side street and occupying 66% of such third in lieu of the required third of the lot farthest and occupying not more than 50%. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners own a corner parcel and wish to replace the existing garage. The existing garage has smaller setbacks than the proposed garage, but the proposed garage will be slightly longer. The need for a variance is created by the combination of the corner lot, 45 feet width of the lot and the position of the house. Because of the narrow width of the lot it is impractical to locate an accessory garage on 50% of the third of the lot farthest from the street. The proposed garage will occupy less than 40% of the rear yard.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 10, 2009 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.

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 10th day of August, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the third of the lot closest to the side street and occupying 66% of such third in lieu of the required third of the lot farthest and occupying not more than 50% 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.

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