

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Mount Laurel Court; 2,314.77 feet N
of Saint Paul Avenue
4th Election District
3rd Councilmanic District
(12621 Mt. Laurel Court)

Michael R. Rosman
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0196-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 owner of the subject property, Michael R. Rosman for property located at 12621 Mt. Laurel Court. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations to allow an addition to an accessory structure (shed) in the side yard rather than rear yard. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Due to the orientation of the dwelling on the lot, location of the driveway, topography of the property, and the location of the septic system, the shed addition cannot be constructed elsewhere. The shed addition needs to be proximate to the driveway and west of the existing shed so that the shed is accessible for storage. The property contains 2.02 acres and is split zoned RC 2 and RC 5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated February 2, 2010 which indicates that development of the property must comply with the Regulations for the Protection of Water quality, Streams, Wetlands and Floodplains and must also comply with the Forest Conservation Regulations. Prior to the issuance of a permit, this property may have to comply with the forest Conservation Law

and a single lot declaration of intent submittal may be required. DEPRM would support the location of the proposed addition to the existing shed on the side of the dwelling rather than to the rear, since there is an existing stream onsite located near the rear property line.

A comment letter was received from John and Elizabeth Horsham who reside and 12622 Mt. Laurel Court. They did not wish to formally challenge the variance request. They state that the shed is used for the Petitioner's business and that the driveway accessing both properties is private. They assert that many vehicles and large delivery trucks use this shared driveway coming to Petitioner's property for his business and private purposes. Mr. and Mrs. Horsham expressed concern that the shed addition will increase Petitioner's business and increase traffic on the shared driveway. They request that Petitioner's driveway be large enough to enable the vehicles to turn around on Petitioner's property.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 24, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.

Although I cannot require the Petitioner to enlarge his driveway, and if the Petitioner is indeed receiving numerous delivery trucks, then in the interest of neighbor harmony, Petitioner should consider enlarging the driveway to accommodate the delivery vehicles.

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 17th day of February, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations to allow an addition to an accessory structure (shed) in the side yard rather than rear yard is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
4. Prior to the issuance of a building permit, this property may have to comply with the Forest Conservation Law and a single lot declaration of intent submittal may be required.

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