

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Corbett Road; 375 feet W of
the c/l of Carroll Road
10th Election District
3rd Councilmanic District
(2223 Corbett Road)

Todd M. and Susan A. Cope
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0163-A**

* * * * *

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, Todd M. and Susan A. Cope for property located at 2223 Corbett Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) be located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners wish to construct a shed measuring 24 feet x 30 feet in size on the 7.988 acres they own in rural Monkton. The property is surrounded by horse farms and large land parcels. The proposed shed is needed to store the lawn mower and other outdoor equipment which is currently taking up valuable storage space in the garage. Petitioners’ property is triangular in shape and the dwelling was constructed in the back corner of the triangle. There is no location in the rear of the property to place a storage shed. The entire front yard contains the 7.988 acres. Petitioners desire to purchase an Amish made prefabricated shed that looks like a small horse run on the outside, but on the inside it will allow Petitioners to store all of their outdoor equipment. The shed will have a weather vane on top. The proposed shed will be placed along the driveway to the right front side of the dwelling. The shed will be 450 feet from the road and 150 feet from the dwelling.

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 December 12, 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 5th day of January, 2010 that a Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) be located in the front yard in lieu of the required rear yard 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