

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Deacon Brook Circle; 132 feet S
of Gwynnwest Road
4th Election District
2nd Councilmanic District
(403 Deacon Brook Circle)

Lauren M. McCombs
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0303-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, Lauren M. McCombs for property located at 403 Deacon Brook Circle. The variance request is from Section 208.3 (1955-1971 B.C.Z.R.) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition (garage) with a side yard setback of 3 feet and a sum of both side yards of 12 feet in lieu of the required minimum 10 feet and 25 feet, respectively. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to construct an attached garage measuring 27 feet x 30 feet in size to provide safety and security for vehicles. There is an existing double-wide driveway leading to the location of the proposed garage. Residences located at 401, 404, 405, 406 and 408 Deacon Brook Circle have garages. The garage addition will be constructed of building materials that blend with the existing dwelling. None of the neighbors expressed any opposition to the proposed garage addition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated May 25, 2010 which indicates that they do not oppose the Petitioner’s request to modernize the existing dwelling.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 16, 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, 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.

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 3rd day of June, 2010 that a Variance from Section 208.3 (1955-1971 B.C.Z.R.) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition (garage) with a side yard setback of 3 feet and a sum of both side yards of 12 feet in lieu of the required minimum 10 feet and 25 feet, respectively is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.

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