

IN RE: PETITION FOR ADMIN. VARIANCE

SW corner of West Chesapeake Avenue
and Burnbrae Road
9th Election District
5th Councilmanic District
(15 Burnbrae Road)

Mark T. and Elizabeth F. Hughes
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0121-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, Mark T. and Elizabeth F. Hughes for property located at 15 Burnbrae Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a carport in the side and front yard in lieu of the required rear yard with a height of 16 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct a carport measuring 20 feet x 20 feet to protect their vehicles from inclement weather and tree sap. This carport will accommodate storage of the garbage and recycling containers. Photographs submitted with the Petition show that the property contains dense vegetation as well as containing slopes.

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 October 18, 2010 which indicates that the rear yard of this property is fully vegetated with mature trees. Placing the carport in the front yard would protect the existing trees. The Planning Office supports the Petitioners’ request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 9, 2010 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 1st day of November, 2010 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a carport in the side and front yard in lieu of the required rear yard with a height of 16 feet in lieu of the permitted 15 feet 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