

IN RE: PETITION FOR ADMIN. VARIANCE
E side of Mt. Carmel Road; 1,800 feet W of
the c/l of Gun Powder Road
5th Election District
3rd Councilmanic District
(4420 Mt. Carmel Road)

Douglas Gencel and Sheila Dingus
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0122-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, Douglas Gencel and Sheila Dingus for property located at 4420 Mt. Carmel Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a garage 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 desire to construct a garage measuring 24 feet x 28 feet. The garage will be accessed via the existing driveway and parking pad area. Photographs submitted with the Petition illustrate that the property is densely wooded. Petitioners’ rear yard contains numerous mature trees. The septic system and the reserve area are located in the rear yard. The property contains 2.242 acres and is served by private well and septic.

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 dated October 23, 2010 which states that Groundwater Management will need to review the proposed garage building permit for well and septic setbacks. A field visit may even be necessary since DEPRM does not have records for this site.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 10, 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 Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a garage 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.
2. The Groundwater Management Division of the Department of Environmental Protection and Resource Management will need to review the proposed garage building permit for well and septic setbacks.

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