

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Murdock Road; 325 feet E of
the c/l of Holly Lane
9th Election District
5th Councilmanic District
(613 Murdock Road)

Robert Moore
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0141-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, Robert Moore for property located at 613 Murdock Road. The variance request is from Section 400.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an accessory structure (garage) in the rear yard with a side yard setback of 1 foot in lieu of the required 2.5 feet setback. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. The existing garage, which has been in place since the house was constructed in 1924, must be replaced due to deterioration. The new garage will be positioned in the same location with no differences in proximity toward adjoining properties. The existing setbacks are 5 feet from the property line to the south and 1 foot from the property line to the east. The new garage would be placed on its existing foundation at those points. The proposed garage is 20 feet wide which is 10 feet wider than the existing garage so the new setback from the property line to the west would be 29 feet. To move the garage to meet today’s standards would require the removal and replacement of the original 105 feet long x 9 feet wide driveway and the existing garage foundation. It would also require the remove of the adjoining sidewalk that runs along the driveway and immediately next to the dwelling. To do so would jeopardize the foundation and grade of the house. The

placement of the current garage and driveway is consistent with other driveways and garages in the Annelise neighborhood. Photographs were submitted that show five driveways and garages on the same block showing similar proximity to neighboring houses as the Petitioner's house. Petitioner submitted a letter of support from the most affect property owner, Roy Haughwout, who resides at 615 Murdock Road.

There is an existing garage measuring 10 feet x 20 feet and Petitioners desire to construct a replacement garage measuring 20 feet x 20 feet.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 29, 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.

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 16th day of November, 2010 that a variance from Section 400.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an accessory structure (garage) in the rear yard with a side yard setback of 1 foot in lieu of the required 2.5 feet setback 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.

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