

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W side of Monocacy Road; 500 feet N of Middle		
Borough Road	*	DEPUTY ZONING
15 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(2226 Monocacy Road)		
	*	FOR BALTIMORE COUNTY
John W. Conrad Jr.		
<i>Petitioner</i>	*	Case No. 2011-0030-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 owner of the subject property, John W. Conrad Jr. for property located at 2226 Monocacy Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and the Zoning Commissioner’s Policy Manual (“Z.C.P.M”) Section 400.1.d(2) to permit an accessory building (garage) with an addition to be 7 feet 2 inches from the street right of way in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to construct a 14 feet x 22 feet garage addition for much needed storage space. Photographs submitted with the Petition depict a number of garages in the immediate vicinity that are very close to the street right-of-way. It does not appear that the proposed garage addition will be any closer to the street than these adjacent garages.

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 September 1, 2010 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. This property is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) in the Chesapeake Bay

Critical Area. Lot coverage is limited to 25% of the lot area above mean high water, or a maximum lot coverage of 31.25%, if approved and with mitigation. The site may be grandfathered at a higher lot coverage allowance only if that lot coverage existed prior to the Critical Area law. A 100 feet tidal buffer applies to this site. Use and development within the buffer is restricted, and must comply with all LDA and BMA requirements. A minimum 15% forest cover is required to exist on-site at all times. Mitigation requirements may require additional planting, removal of lot coverage, fees-in-lieu, or a combination of these. The site plan must show the 100 feet tidal buffer measured off mean high water, all existing and proposed lot coverage in detail and in a table, and all existing and proposed trees.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 1, 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 1st day of September, 2010 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and the Zoning Commissioner’s Policy Manual (“Z.C.P.M”) Section 400.1.d(2) to permit an accessory building (garage) with an addition to be 7 feet 2 inches from the street right of way in lieu of the required 30 feet 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.
2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. This property is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) in the Chesapeake Bay Critical Area. Lot coverage is limited to 25% of the lot area above mean high water, or a maximum lot coverage of 31.25%, if approved and with mitigation. The site may be grandfathered at a higher lot coverage allowance only if that lot coverage existed prior to the Critical Area law. A 100 feet tidal buffer applies to this site. Use and development within the buffer is restricted, and must comply with all LDA and BMA requirements. A minimum 15% forest cover is required to exist on-site at all times. Mitigation requirements may require additional planting, removal of lot coverage, fees-in-lieu, or a combination of these. The site plan must show the 100 feet tidal buffer measured off mean high water, all existing and proposed lot coverage in detail and in a table, and all existing and proposed trees.

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

