

IN RE: PETITION FOR ADMIN. VARIANCE
N side of Stablers Church Road; 2,985 feet
E of the c/l of Walker Road
7th Election District
3rd Councilmanic District
(408 Stablers Church Road)

Peter Janney and Linda Hobson Schwab
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0063-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, Peter Janney and Linda Hobson Schwab for property located at 408 Stablers Church Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R. ”) to permit an accessory structure (shed) be located in the side 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 erect a shed measuring 12 feet x 18 feet. The shed cannot be placed in the rear yard due to the steep topography as evidenced by the photographs submitted with the Petition. The proposed shed is a high quality structure by Pine Harbor of Massachusetts and will have cedar siding to match the dwelling. The property contains 4.24 acres, is served by private well and septic systems, and is also 85% forest. Mr. Patrick Dedeo of 410 Stablers Church Road, approves of the proposed shed.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A comment was received from the Department of Environmental Protection and Resource Management dated September 8, 2010 which indicates that the proposed shed permit will be reviewed by Groundwater Management for well and septic setbacks.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 21, 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 13th day of September, 2010 that an Administrative Variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (shed) be located in the side 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.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Deputy
for

SIGNED
THOMAS H. BOSTWICK
Zoning Commissioner
Baltimore County

THB:pz