

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
N side of Kinwat Avenue, 340 feet E of		
c/l of Belwood Avenue	*	DEPUTY ZONING
15 <sup>th</sup> Election District		
7 <sup>th</sup> Councilmanic District	*	COMMISSIONER
<b>(918 Kinwat Avenue)</b>		
	*	FOR BALTIMORE COUNTY
Daniel D. Graybeal		
<i>Petitioner</i>	*	<b>Case No. 2009-0014-A</b>

\* \* \* \* \*

**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, Daniel D. Graybeal for property located at 918 Kinwat Avenue. The variance request is from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed open projection (porch) to have a front yard setback of 17 feet in lieu of the allowed 18 3/4 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner wishes to build a covered front porch to replace the existing porch that is decaying and dangerous to the family and visitors. The new porch measures 8 feet deep x 13 feet wide and contains 104 square feet. Photographs submitted by the Petitioner indicate that many residences of similar construction and floor plan have comparable porches as evidenced in the submitted photographs. Petitioner’s neighbors residing at 915 Kinwat Avenue, 922 Kinwat Avenue, 921 Kinwat Avenue, 917 Kinwat Avenue, 914 Kinwat Avenue, 912 Kinwat Avenue and 916 Kinwat Avenue do not object to the proposed covered porch.

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 July 14, 2008 which indicates that the proposed addition is consistent with many others in the area.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 27, 2008 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 27<sup>th</sup> day of August, 2008 that a variance from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed open projection (porch) to have a front yard setback of 17 feet in lieu of the allowed 18 3/4 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.

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