

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Kemp Road, 10 feet E c/l
of intersection of Maple Grove Road
4th Election District
3rd Councilmanic District
(5042 Kemp Road)

Leroy and Ann Meads
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0016-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, Leroy and Ann Meads for property located at 5042 Kemp Road. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front addition with a 67 feet setback to the centerline of the front street in lieu of the required 75 feet and to permit an existing 28 feet side yard setback in lieu of the required 35 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an a modest addition onto the front of their home. The current room size is inadequate for Petitioners' potential medical requirements that include the use of a wheelchair and hospital bed. The subject property contains 38,115 square feet and is served by private sewer and water.

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 August 19, 2008 which indicates that prior to building permit approval, the locations of the well and septic system must be shown on the site plan. An evaluation of the septic system may also be required.

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 20th day of August, 2008 that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front addition with a 67 feet setback to the centerline of the front street in lieu of the required 75 feet and to permit an existing 28 feet side yard setback in lieu of the required 35 feet 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. Prior to building permit approval, the locations of the well and septic system must be shown on the site plan. An evaluation of the septic system may also be required.

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