

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Cedar Road, 243 feet SW of
the c/l of Old North Point Road
12th Election District
7th Councilmanic District
(7619 Cedar Road)

Leon and Barbara Babb
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0024-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, Leon and Barbara Babb for property located at 7619 Cedar Road. The variance request is from Sections 1B02.3.A.5, 1B02.3.C and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) to be located 6 inches from the side property line in lieu of the minimum allowed 7.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a carport to protect their vehicles during inclement weather. The neighbor residing at 7621 Cedar Road submitted a letter in support of the proposed carport.

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 August 25, 2008 which indicates that the house is a very well landscaped brick Cape Code. The neighbor on the side of the proposed carport has written a letter of approval. The building materials of the carport will be open metal lattice similar to the style of the porch railings. They too will be landscaped.

Other houses in the block also have carports that come to the property line. The Planning Office has no objections to the proposal.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 10, 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 16th day of September, 2008 that a variance from Sections 1B02.3.A.5, 1B02.3.C and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) to be located 6 inches from the side property line in lieu of the minimum allowed 7.5 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.

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