

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E side of Beckleysville Road, 1750 feet N		
of Dave Rill Road	*	DEPUTY ZONING
5 th Election District		
3 rd Councilmanic District	*	COMMISSIONER
(18503 Upper Beckleysville Road)		
	*	FOR BALTIMORE COUNTY
George W. Aberts		
<i>Petitioner</i>	*	Case No. 2009-0116-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, George W. Aberts for property located at 18503 Upper Beckleysville Road. The variance request is from Sections 400.1 and 101 (Accessory Structures) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage to be located in the front and side yard in lieu of the required rear, and a footprint larger than that of the principal dwelling. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct a 40 foot wide by 60 foot long by 23 foot high storage garage. The proposed garage cannot be constructed behind the rear most exterior wall of the existing dwelling due to its close proximity with the rear property boundary. This proposed garage location was arrived at in an attempt to avoid the steeper slopes found on the northeastern corner of the property. Additionally, the proposed location will require less site grading and less paving to connect to the current driveway. The proposed garage will be located in the northern most side yard and extend to the front of the dwelling. This proposed garage will be used to store classic automobiles and antique farm equipment. All currently available storage space has been used. The property contains 1.28 acres and is located in the Hampstead area of the County.

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 December 3, 2008 which indicates they do not oppose the Petitioner's request. Conditions similar to that which is requested by the Petitioner are existing in the community and does not negatively impact adjacent neighbors or the community at large.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 1, 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 4th day of December, 2008 that a variance from Sections 400.1 and 101 (Accessory Structures) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage to be located in the front and side yard in lieu of the required rear, and a footprint larger than that of the principal dwelling 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