

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W side of 48th Street, 550 feet N of the		
c/l of Woodrow Street	*	DEPUTY ZONING
12 th Election District		
7 th Councilmanic District	*	COMMISSIONER
(528 48th Street)		
	*	FOR BALTIMORE COUNTY
Wayne K. Thornton		
<i>Petitioner</i>	*	Case No. 2009-0138-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, Wayne K. Thornton for property located at 528 48th Street. The variance request is from Sections 1B02.3.A.5, 1B02.3.B, 1B02.3.C.1, 301.1.A and 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) with a 4 foot side yard setback in lieu of the required 7.5 foot and to permit a recreational vehicle to be stored a minimum of 6 feet to the rear of a lateral projection of the front foundation line of the dwelling in lieu of the required 8 foot. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to construct a carport measuring 16 feet x 27 feet to protect his recreational vehicle. Construction of the carport will shield the 21 foot recreational vehicle from inclement weather conditions. Petitioner submitted a letter of support from his adjacent neighbor, Andrew F. Coleman, Jr., who resides at 526 48th Street. In fact, Mr. Coleman commended the Petitioner on the many improvements he has made to the property at 528 48th Street. Photographs submitted by the Petitioner depict a chain link fence and vegetation separating these properties.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 16, 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 1B02.3.A.5, 1B02.3.B, 1B02.3.C.1, 301.1.A and 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) with a 4 foot side yard setback in lieu of the required 7.5 foot and to permit a recreational vehicle to be stored a minimum of 6 feet to the rear of a lateral

projection of the front foundation line of the dwelling in lieu of the required 8 foot 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