

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Howard Avenue, at NW corner
side of Oak Road
15th Election District
7th Councilmanic District
(9406 Howard Avenue)

Sheriden H. Henderson II and Richard D. Henderson
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0203-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, Sheriden H. Henderson II and Richard D. Henderson for property located at 9406 Howard Avenue. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (garage) on a corner lot to be located outside of the third of the lot farthest removed from any street. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The existing garage on the property is in disrepair and must be replaced. The Petitioners wish to construct a new garage measuring 24 feet wide as opposed to the existing 18 foot wide in the same approximate location as the existing structure. In order to construct the garage in the third of the lot farthest removed from any street, its uniformity with the existing garage on the adjacent lot cannot be maintained. The additional garage size is desired to provide adequate space for two vehicles and storage area. Petitioners state the garage will not be used for commercial purposes.

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 March 3, 2009 which indicates that the proposed garage is approximately the same footprint as that of the existing

structure which is cosmetically and possibly structurally in an advanced state of distress. A new one-story garage will be very close to the immediate neighbor's existing garage and could be quite an improvement. The Planning Office recommends that elevations be provided to ensure that the proposed structure is not done in a similar wood butcher style to the one it will replace.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 15, 2009 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. Photographs submitted by the Petitioners depict a two-car garage in an advanced state of disrepair. These photographs also show that the immediate neighbor residing at 9407 Todd Avenue, which is also a corner lot, has a modern garage.

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 5th day of March, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (garage) on a corner lot to be located

outside of the third of the lot farthest removed from any street 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. Petitioners shall provide elevation drawings of the proposed garage to the Office of Planning for review and approval prior to the issuance of any building permit.

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