

**IN RE: PETITION FOR ADMIN. VARIANCE**  
S side of Cromwell Bridge Road, 60 feet E  
of the c/l of Beaverbank  
9<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
**(951 Cromwell Bridge Road)**

Keith and Alison Kelley  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0227-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 owners of the subject property, Keith and Alison Kelley for property located at 951 Cromwell Bridge Road. Resolution 19-09 concerning the public disclosure of Keith Kelly, an employee of the Baltimore County Department of Environmental Protection and Resource Management, was approved at the County Council meeting held on March 16, 2009. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 4 feet in lieu of the required 10 feet, a sum of side yards of 19 feet in lieu of the required 25 feet, and a rear yard setback of 10 feet in lieu of the required 30 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a garage measuring 24 feet x 29 feet onto the left side of their home. The dwelling is located on a hill with the existing two car garage located on the left side and basement level of the home. A drainage and utility easement is located outside the Petitioner's left side property line. Petitioners' home is located much closer to Cromwell Bridge Road than the adjacent residence at 949 Cromwell Bridge Road. The property located to the left side, known as 1001 Cromwell Bridge Road, contains a three-story office building and parking lot.

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 March 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.

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 22<sup>nd</sup> day of April, 2009 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 4 feet in lieu of the required 10 feet, a sum of side yards of 19 feet in lieu of the required 25 feet, and a rear yard setback of 10 feet in lieu of the required 30 feet for an addition 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