

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W side of Shady Creek Way, 175 feet S		
of the c/l of Orbital Road	*	DEPUTY ZONING
11 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(9334 Shady Creek Way)		
	*	FOR BALTIMORE COUNTY
Eugene Einolf		
<i>Petitioner</i>	*	Case No. 2009-0306-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, Eugene Einolf for property located at 9334 Shady Creek Way. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (shed) to be located on the side of a dwelling in lieu of the required rear. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner's shed measures 12 feet x 24 feet in size. The structure is located 28½ inches from the dwelling and 2 feet behind the front of the dwelling. Said structure matches the architectural style of the existing dwelling. The most impacted adjacent property owner, Tim Hemelt, residing at 9336 Shadycreek Way, states the garage was erected in 2000 and from that time to the present, he has never had any objection to the structure.

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 May 31, 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. It would be an extreme hardship to require the Petitioner to remove a structure measuring 12 feet x 24 feet in size and which has been located on the property since 2000.

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 22nd day of June, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (shed) to be located on the side of a dwelling in lieu of the required rear 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