

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Walker Road; 930 feet E of the
c/l of Middletown Road
6th Election District
3rd Councilmanic District
(1630 Walker Road)

Meredith van den Beemt and Mary Mills
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0324-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, Meredith van den Beemt and Mary Mills for property located at 1630 Walker Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (garage) in the front yard of a dwelling in lieu of the permitted rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a detached garage measuring 36 feet x 24 feet x 15 feet high to provide accommodation for Ms. Mills, who is disabled and on oxygen. It is difficult for Ms. Mills to walk long distances and stairs and often impossible to maneuver. The garage will replace a shed currently in the front/side yard. This proposed garage location was arrived at in an attempt to avoid the steeper slopes found behind the house. Pictures submitted by the Petitioners show that an existing driveway will serve the proposed garage, and that the property is accessed by way of a long driveway, half a mile back from the road, and will not be visible from Walker Road. Adjacent property owners, Steven Cason and Liz Tarr, located at 1630 Walker Road, provided a letter dated May 27, 2007 in support of the Petitioners requested relief. The property contains

3.28 acres, zoned R.C.8, served by private well and septic system, and is located in the Freeland area of the County.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 28, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have 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 Petitioners.

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 15th day of July, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (garage) in the front yard of a dwelling in lieu of the permitted rear yard 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