

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Pheasant Cross Drive; 200 feet S
of the c/l of Sugarcane Road
3rd Election District
2nd Councilmanic District
(7019 Pheasant Cross Drive)

David and Marilyn Carp
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0088-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, David and Marilyn Carp for property located at 7019 Pheasant Cross Drive. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 35 foot setback to the street right-of-way and 60 feet to the centerline of the street in lieu of the required 50 feet and 75 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a carport onto the front of their dwelling to provide shelter from inclement weather when entering and exiting the home. A neighbor at 7015 Pheasant Cross Drive recently constructed an attractive brick carport. Petitioners provided letters of support from their neighbors residing at 7018 Pheasant Cross Drive, 7016 Pheasant Cross Drive, 7015 Pheasant Cross Drive, 7017 Pheasant Cross Drive, and 7021 Pheasant Cross Drive. Petitioners are aging and the carport will provide protection from the elements.

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 September 23, 2009 which indicates that the site plan shows a 4.5 foot side yard from the proposed carport to the

property line. The adjacent 10 foot walkway is owned by HMH Construction, the original developer of Greengate, according to the Maryland State Assessments and the record plat of Greengate Plat 2 Section One. The Office of Planning does not oppose the variance request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 20, 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 21st day of October, 2009 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 35 foot setback to the street right-of-way and 60 feet to the centerline of the street in lieu of the required 50 feet and 75 feet, respectively 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