

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
NE side of Collinsway Road; corner of Collinsway	*	DEPUTY ZONING
Road and Chesworth Road	*	
1 <sup>st</sup> Election District	*	COMMISSIONER
1 <sup>st</sup> Councilmanic District	*	
<b>(6100 Collinsway Road)</b>	*	FOR BALTIMORE COUNTY
John C. and Mami R. Buchanan	*	
<i>Petitioners</i>	*	<b>Case No. 2010-0090-A</b>

\* \* \* \* \*

### **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, John C. and Mami R. Buchanan for property located at 6100 Collinsway Road. The variance request is from Sections 427.B.1 and 427.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 6 feet high and 25 linear feet privacy fence in the rear yard which adjoins the front yard of another existing dwelling in lieu of the allowed 42 inch high fence if situated in the front yard of another existing dwelling. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners' property is a corner lot with significant foot and vehicle traffic in the area. The proposed taller fence and in the location as proposed will protect Petitioners' property and their young son. The fenced in yard will give the child a safe and security area in which to play. The 6 foot high fence will not prohibit the neighbors from enjoying any view or full use of their property nor will it obstruct any views of traffic due to the setback from the corner.

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 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 8<sup>th</sup> day of October, 2009 that a variance from Sections 427.B.1 and 427.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 6 feet high and 25 linear feet privacy fence in the rear yard which adjoins the front yard of another existing dwelling in lieu of the allowed 42 inch high fence if situated in the front yard of another existing dwelling 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