

IN RE: **PETITION FOR ADMIN. VARIANCE**
N side of Wilson Green Court; 500 feet NW
of the c/l of Old Grey Mare Court
(700 Wilson Green Court)
4th Election District
2nd Council District

Ralph E. Thomas Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* Case No. 2010-0134-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Ralph E. Thomas Jr., and his wife, Karen A. Thomas. Variance relief is requested from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 504 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a front garage addition with a setback of 21 feet in lieu of the required 25 feet and to amend the Final Development Plan of Wilson Farm for Lot 130 only. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioners' Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the layout and location of the existing dwelling thereon. As shown on the site plan, the Petitioners propose to construct a garage addition that will enable them to have a three car side-loaded garage. Petitioners' home is the only one on the street with a front-loaded two car garage. As part of the garage renovation, a new macadam driveway will be constructed to accommodate the additional bay and provide additional off-street parking. The garage addition and larger macadam driveway will accommodate the Petitioners' three vehicles as well as vehicles driven by visitors. Photographs submitted with the Petitioner clearly illustrate that neighboring properties enjoy the convenience of side-loaded three car garages. None of the neighbors on Wilson Green Court expressed any opposition to the garage addition. 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.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of November, 2009 that the Petition for Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 504 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a front garage addition with a setback of 21 feet in lieu of the required 25 feet and to amend the Final Development Plan of Wilson Farm for Lot 130 only and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

SIGNED
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz