

IN RE: PETITION FOR ADMIN. VARIANCE
SE side of Rocksham Drive; 277 feet SW of.
the c/l of Aigburth Road
9th Election District
5th Councilmanic District
(7503 Rocksham Drive)

John R. and Sara R. Barber
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0160-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, John R. and Sara R. Barber for property located at 7503 Rocksham Drive. The variance request is from Section 1B02.3.A.1 (1945 A - Residence Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front porch addition with a 21 feet front setback and a front setback averaging of 21-foot in lieu of required 25 feet and 26.5 feet respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners propose to construct a covered front porch measuring 26 feet x 9 feet in size. Photographs submitted with the Petitioner show that the next door residence at 7505 Rocksham has a covered front porch. The proposed porch will protect the Petitioners from the elements when entering and exiting the dwelling. Letters of support were submitted by the neighbors residing at 7506 Rocksham Drive and 7501 Rocksham Drive. Both neighbors believe that the covered front porch will be a positive enhancement to the Petitioners' home and will aesthetically support the houses in the neighborhood.

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 November 29, 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 23rd day of December, 2009 that a variance from Section 1B02.3.A.1 (1945 A - Residence Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front porch addition with a 21 feet front setback and a front setback averaging of 21-foot in lieu of required 25 feet and 26.5 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.

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