

**IN RE: PETITION FOR ADMIN. VARIANCE**

E side of Hanover Road; 465 feet S of the  
c/l of Emory Road  
4<sup>th</sup> Election District  
34d Councilmanic District  
**(15217 Hanover Pike)**

Allen C. and Danielle M. Keeney  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2010-0169-A**

\* \* \* \* \*

**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, Allen C. and Danielle M. Keeney for property located at 15217 Hanover Pike. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) to be located in the front yard in lieu of the required rear. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a shed measuring 10 feet x 18 feet to provide a platform for photovoltaic panels to provide power for the home. It would also serve to store and season firewood and store lawn equipment. The north rear yard is covered substantially by a septic field and a rainwater swale and the remainder of the rear yard and side yards are shaded by trees located in a forest conservation easement. The selected location is the only location on the entire property that has significant solar exposure as the entire south and west of the yard is in a forest conservation easement. There are few practical places to build this structure and there is no other location that provides the solar exposure needed for photovoltaic cells to function property. This property is irregular in size with the dwelling constructed far back on the property. The subject property contains 1.96 acres zoned RO CR and is served by private sewer and water.

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 December 12, 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 5<sup>th</sup> day of January, 2010 that a Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) to be located in the front yard in lieu of the required rear 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.

