

IN RE: PETITION FOR ADMIN. VARIANCE
E side of Rockaway Beach Avenue; 1554 feet
NE of Regina Avenue
15th Election District
5th Councilmanic District
(607 Rockaway Beach Avenue)

Nancy S. Seidel
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0177-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 owner of the subject property, Nancy S. Seidel for property located at 607 Rockaway Beach Avenue. The variance request is from Sections 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory building (shed) to be located in the front yard with an 8 inch side yard setback and 16 feet front street setback, respectively, in lieu of the required rear yard with a 2.5 feet side yard setback and 30 feet front street setback, respectively.¹ Petitioner has an existing small shed located on the street side (rear yard) of her property. The property is approximately 40 feet and relocating the shed would not leave enough room for parking vehicles. Petitioner states that all the neighboring properties have sheds on property lines. Petitioner’s dwelling was constructed much closer to Rockaway Beach Avenue than the adjacent dwellings.

¹ The Zoning Commissioner’s Policy Manual (Z.C.P.M.), Sections 400.1A and 400.2A, provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, as is the situation here, waterfront lots refer to the front of the structure as facing the water. In this case, it was incorrectly noted by the Zoning Review Office that the front of the home faced Rockaway Beach Avenue. The site plan is hereby corrected to show the front of the home as facing the Middle River. Since it is determined that the front of the dwelling faces the Middle River, an accessory structure (shed) is permitted in the rear yard of the subject property. The Petition is hereby corrected to read “from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory building (shed) with an 8 inch side yard setback in lieu of the required 2.5 feet side yard setback”.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated January 21, 2010 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The subject shed and adjoining concrete pad require compliance with the noted regulations with respect to lot coverage limits.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 27, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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, 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 Petitioner.

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 January, 2010 that a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory building (shed) with an 8 inch side yard setback in lieu of the required 2.5 feet side yard setback is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. The subject shed and adjoining concrete pad require compliance with the noted regulations with respect to lot coverage limits.

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