

IN RE: PETITION FOR ADMIN. VARIANCE
W side of Old Pimlico Road; 243 feet S of the
c/l of Bore Road
3rd Election District
2nd Councilmanic District
(6804 Old Pimlico Road)

Joan M. Flynn and Joseph Bradley
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0242-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, Joan M. Flynn and Joseph Bradley for property located at 6804 Old Pimlico Road. The variance request is from Sections 1B02.3.B and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) with a front yard setback of 17 feet in lieu of the required 18.75 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners propose to install a carport addition measuring 5 feet x 20 feet to protect their vehicles. The only logical location of the carport addition to be constructed is as depicted on the site plan.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 24, 2010 which indicates that the Office does not oppose the requested variance. There are similar carport and garage structures in the immediate neighborhood at 6814 and 6816 Old Pimlico Road.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 28, 2010 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 19th day of April, 2010 that a variance from Sections 1B02.3.B and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) with a front yard setback of 17 feet in lieu of the required 18.75 feet 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

