

IN RE: PETITION FOR ADMIN. VARIANCE

NE corner of the intersection of Patuxent Avenue and Poplar Avenue
15th Election District
7th Councilmanic District
(8200 Poplar Avenue)

Sylvester J. and Nadean M. Knox
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0276-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, Sylvester J. and Nadean M. Knox for property located at 8200 Poplar Avenue. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed carport with a rear yard and side yard setbacks of 0 feet and be located in the third part of the rear yard closest to the road in lieu of the required 2.5 feet and third part of the rear yard farthest removed from the road, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The carport will be installed on the existing driveway, which was constructed on the property lines. The driveway cannot be relocated due to underground power lines. This driveway is the designated ingress and egress of the dwelling.

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 April 29, 2010 which indicates that the hardship appears to be self-imposed insofar as the property owner has many places to put the carport on a very large lot. The proposed carport would be compatible with the neighborhood if it were permitted to be on the property line with the neighboring property, subject to that neighbor's written approval and no closer to Poplar Avenue than the existing fence

line. Details of the proposed carport shall be provided for review. The Petitioners should either submit elevation drawings or clarify that by carport they mean no sidewalls, but only vertical posts supporting a roof.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 18, 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. The Petitioners' dwelling and driveway are situated on the property such that the rear entrance to the dwelling acts as the Petitioners' primary access to the home. The proposed carport will protect the vehicles in inclement weather as well as provide Petitioners protection from the elements. I will impose conditions that the carport not be enclosed and remain open on the three sides. Because of comments from the Office of Planning, I will require that elevation drawings of the carport be reviewed and approved by the Office of Planning. None of the neighbors expressed any concern regarding the proposed carport.

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 12th day of May, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed carport with a rear yard and side yard setbacks of 0 feet and be located in the third part of the rear yard closest to the road in lieu of the required 2.5 feet and third part of the rear yard farthest removed from the road, 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. 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.
2. The Petitioners shall submit elevation drawings of the carport to the Office of Planning for review and approval and to clarify that by carport they mean no sidewalls, but only vertical posts supporting a roof.
3. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.
4. The carport shall not be converted into an enclosed structure.

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