

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Wheatland Road; 154 feet W.
of the c/l of Glen Wilde Road
1st Election District
1st Councilmanic District
(6133 Wheatland Road)

Jason S. Dugan
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0316-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, Jason S. Dugan for property located at 6133 Wheatland Road. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open carport addition with a side setback of 3 feet in lieu of the required 8 feet and a sum of side yard setbacks of 12 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner had a metal frame carport that was destroyed during the heavy winter snowfalls. This carport protected the Petitioner’s vehicles from the elements. Photographs submitted with the Petition clearly illustrate that the carport was completely destroyed by the nearly 60 inches of snow received December through January. None of the neighbors expressed any concern regarding the proposed carport. The carport was part of the property at the time of purchase in 2005. The new carport will replace the destroyed carport.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 25, 2010 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, 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 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 16th day of July, 2010 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open carport addition with a side setback of 3 feet in lieu of the required 8 feet and a sum of side yard setbacks of 12 feet in lieu of the required 15 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.

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