

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Orchard Avenue; 15 feet E
of Wilson Street
14th Election District
6th Councilmanic District
(3105 Orchard Avenue)

Amy Nicole Shelpack
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0360-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, Amy Nicole Shelpack for property located at 3105 Orchard Avenue. The variance request is from Sections 303.1 and 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and Section 400.1.d(2) of the Zoning Commissioner Policy Manual to permit a proposed accessory building (detached garage) to be located in the front and side yards in the portions of the lot closest to the street in lieu of the required rear yard only in the third of the lot farthest removed from the street, and to permit a front street setback of 20 feet in lieu of the averaged front street setback of 33.5 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to construct a detached garage to be accessed via the existing driveway. Photographs submitted with the Petition illustrate dense vegetation between the Petitioner’s property and the most affected neighbor. This vegetative cover is outside of the building area for the proposed garage.

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 July 3, 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, 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 23rd day of July, 2010 that a Variance from Sections 303.1 and 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and Section 400.1.d(2) of the Zoning Commissioner Policy Manual to permit a proposed accessory building (detached garage) to be located in the front and side yards in the portions of the lot closest to the street in lieu of the required rear yard only in the third of the lot farthest removed from the street, and to permit a front street setback of 20 feet in lieu of the averaged front street setback of 33.5 feet 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.

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