

IN RE: PETITION FOR ADMIN. VARIANCE

W side corner of the intersection
of Gent Road and Billy Barton Circle
8th Election District
2nd Councilmanic District
(13000 Gent Road)

Bryan P. and Elizabeth Fitzgerald
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0364-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, Bryan P. and Elizabeth Fitzgerald for property located at 13000 Gent Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a rear yard setback of 40 feet in lieu of the required 50 feet for an addition. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners are constructing improvements to their dwelling to include a new attached garage, patio, kitchen and family room. The proposed attached garage is the portion of the addition that requires variance approval. There is an existing detached garage that will be removed to accommodate the new attached garage. The Petitioners’ property is a square shaped corner lot and the dwelling was constructed at an angle on the property. The property contains .94 acre zoned RC 5.

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 July 22, 2010 which requests review and approval of architectural elevation drawings and floor plans prior to the issuance of any building permit due to the size of the overall addition.

The Petitioners 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 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 23rd day of July, 2010 that an Administrative Variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a rear yard setback of 40 feet in lieu of the required 50 feet for an addition 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. Architectural elevation drawings and floor plans shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permit.

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