

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
1150 feet NE of Camp Field Road; 1700 feet		
NE of Sharon Drive	*	DEPUTY ZONING
11 th Election District		
3 rd Councilmanic District	*	COMMISSIONER
(11730 Camp Cone Road)		
	*	FOR BALTIMORE COUNTY
Edward W. and Kathleen L. Gabrielson		
<i>Petitioners</i>	*	Case No. 2011-0019-A

* * * * *

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, Edward W. and Kathleen L. Gabrielson for property located at 11730 Camp Cone Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory building (garage/shed) to be located in the front yard with a height of 22 feet, in lieu of the required rear yard only with a maximum allowed 15 feet height. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a two car detached garage/shed measuring 24 feet x 45 feet. The dwelling is positioned on a steep grade that would prohibit both the extension of the driveway or the construction of the garage on either side or behind the dwelling. The site for the proposed accessory structure is the only level area where the garage can be constructed. Petitioners desire to construct the garage with a 10 feet ceiling and with a roof pitch that matches the dwelling (11/12). The steep grade (approximately 50 feet lower) and the long distance of the driveway (approximately 1,250) would block the view of the garage from the street, and the view of the garage from the adjacent property would also be limited. The rear and sides of Petitioners'

property is surrounded by the Gunpowder Falls State Park and dense vegetation surrounds the property. The property contains 12.61 acres and is served by private well and septic.

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 August 4, 2010 which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area or kitchen facilities, and not be used for commercial purposes.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 25, 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 20th day of August, 2010 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory building (garage/shed) to

be located in the front yard with a height of 22 feet, in lieu of the required rear yard only with a maximum allowed 15 feet height 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 or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.
3. The accessory structure shall not be used for commercial purposes.

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