

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Keeney Mill Road; 25 feet N
of Brook Valley Court
6th Election District
3rd Councilmanic District
(20908 Keeney Mill Road)

Kevin L. Bowlby
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0020-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, Kevin L. Bowlby for property located at 20908 Keeney Mill Road. The variance request is from Section 1A00.3.B.3 (1971-92 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition (attached garage) with a side setback of 27 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Currently, there is a one car garage attached to the dwelling. Petitioner desires to construct a two car garage connected to the residence. With the location of the dwelling being set back approximately 64 feet and the dimensions of this moderate garage being 26 feet wide with 12 feet connector, this results in a proposed setback from the neighboring property of 26 feet. Additionally, the neighboring home is setback approximately 60 feet from the proposed garage location. There are numerous trees between the properties resulting in minimal visual exposure. Reduction of the proposed attached garage dimensions in an amount to accommodate the current required setback would not be feasible for a functioning, usable space. Plans of the proposed attached garage were shown to the neighbors who are in support of the project. The property contains 3 acres and is served by private water and septic.

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 19, 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 August, 2010 that a variance from Section 1A00.3.B.3 (1971-92 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition (attached garage) with a side setback of 27 feet in lieu of the required 50 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