

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Meandering Road, 1037 feet E
of Millers Station Road
5th Election District
3rd Councilmanic District
(2876 Meandering Drive)

Peter C. and Nancy M. O'Donnell
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0116-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, Peter C. and Nancy M. O'Donnell for property located at 2876 Meandering Drive. The variance request is from Sections 400.1 and 400.3 Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed accessory building (barn) to be located in the front yard with a height of 19 feet in lieu of the required rear yard only with a maximum height of 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a bank barn measuring 30 feet x 40 feet. Due to the topography of the lot, the only acceptable grade for a bank barn is to the left of and slightly forward of the front of the house, and this location will allow use of the current driveway. The location of the well does not allow the proposed bank barn to be placed in the rear of the house and use the existing driveway. A 4/12 roof pitch would be under 15 feet high, but a 8/12 pitch looks much more appealing and matches the existing barns in the area. The proposed bank barn will be board and batten exterior with a metal roof which also matches the existing barns in the area. The property contains 18.4734 acres and is served by private sewer and water.

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 October 13, 2010, which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom 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 October 31, 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 16th day of November, 2010 that a variance from Sections 400.1 and 400.3 Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed accessory building (barn) to be located in the front yard with a height of 19 feet in lieu of the required rear yard only with a maximum height of 15 feet 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 Petitioner 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, kitchen or bathroom 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