

IN RE: PETITION FOR ADMIN. VARIANCE
S side of Shefflin Court; 35 feet W
of Pheasant Cross Drive
3rd Election District
2nd Councilmanic District
(2201 Shefflin Court)

VG Property Management 110 LLC
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0143-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, VG Property Management 110 LLC property located at 2201 Shefflin Court. The variance request is from Section 1B02.3.B (Section 301.1 1955 Zoning Regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit 2 proposed open projections (covered porch and carport) with a side yard setback of 6 feet and rear yard setback of 23 feet in lieu of the minimum required 11¼ feet and 30 feet respectively (for covered porch) and a side street setback of 5 feet in lieu of the minimum required 30 feet (for carport).¹ The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioner states that the existing concrete parking pad is on a steep slope that makes it difficult for an aging mother to enter and exit the dwelling during inclement weather. The carport will provide protection from inclement weather.

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 November 3, 2010 which indicates the Office does not object to the 6 feet side yard request in lieu of the required 11¼ feet for the covered porch. The Office does object to the side street setback request

¹ Petitioner revised the size of the carport and reduced the size to 20 feet x 20 feet and amended the Petition for Administrative Variance to request 15 feet setback to the side street in lieu of the required 30 feet.

of 5 feet in lieu of the required 30 feet for the carport. If the Petitioner revises the site plan showing a one car carport in lieu of the two car carport the amount of variance required would be approximately 20 feet in lieu of 30 feet. If the Petitioner declines the suggestion to modify the plan, this request should be scheduled for a variance hearing. Revised comments from the Office of Planning dated December 8, 2010 indicate that the Petitioner has revised the site plan reducing the size of the carport and amended the Petition to request a 15 feet setback to the side street in lieu of the required 30 feet in order to add a 20 feet x 20 feet carport. The 6 feet setback for the covered porch remains as shown on the previous site plan. The Office of Planning does not oppose the 6 feet side yard request in lieu of the required 11¼ feet for the covered porch or the 15 feet setback to the side street for the attached carport.

The Petitioner 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 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 9th day of December, 2010 that a variance from Section 1B02.3.B (Section 301.1 1955 Zoning Regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit 2 proposed open projections (covered porch and carport) with a side yard setback of 6 feet and rear yard setback of 23 feet in lieu of the minimum required 11¼ feet and 30 feet respectively (for covered porch) and a side street setback of 15 feet in lieu of the minimum required 30 feet (for carport) 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