

IN RE: PETITION FOR ADMIN. VARIANCE
E side of Overbrook Road, 860 feet S of c/l
of Edmondson Avenue
1st Election District
1st Councilmanic District
(27 Overbrook Road)

Betty A. Stemley
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0170-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, Betty A. Stemley for property located at 27 Overbrook Road. The variance request is from Sections 1B02.3.A.5, 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition (garage) with a 4 feet side yard setback and sum of side yards of 13 feet and rear yard setback of 7 feet in lieu of the minimum required 10 feet, 25 feet and 30 feet, respectively, and to permit an open projection (front porch) with a minimum front setback of 17 feet in lieu of the required 22.5 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to construct a front porch measuring 8 feet x 23 feet and single car garage measuring 13 feet x 24 feet 4 inches to the south of the dwelling. Due to the extreme angle of the house on the lot, the front corner of the porch addition is about 11 feet from the property line and the rear corner of the garage addition is about 4 feet from the property line. The purpose of the porch is to provide a larger covered landing at the entrance to the dwelling for family and neighbors. The purpose of the garage is to provide a secure area for one vehicle and storage for residents of the home. The additions to the dwelling will better meet the needs of the

family. Petitioner's dwelling was constructed in 1927 long before the imposition of zoning of the property.

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 December 1, 2010 which indicates property is located on Overbrook Road, south of Edmonson Avenue and north of Frederick Road/Avenue. There are 49 single-family detached dwellings located along this segment of Overbrook Road. Most of these houses, including the petitioner's house, are attractive, distinctive, older homes. The Petitioner is proposing to construct a large front porch. Many of the houses on Overbrook Road have large front porches. The Petitioner is proposing to construct a one-car garage that will be attached to the side of the existing house. Many of the houses on Overbrook Road have detached garages that are located in the rear yard. Only one house (46 Overbrook Road) has an attached garage. The Petitioner's attached garage will be unusual compared with the other properties on Overbrook Road, but construction of a detached rear yard garage does not appear to be feasible or desirable because of a narrow side yard and a small rear yard. If the requested setback variances are permitted, the proposed garage and porch should be architecturally compatible and consistent with the existing dwelling. It should be clarified what changes, if any, will be made to the location or width of the existing driveway on this property if the proposed garage is approved. Any significant changes to the driveway should be shown on the site plan.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 18, 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, 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. The Petitioner would be denied use of a single car garage which is enjoyed by other properties in the neighborhood.

A check of the Maryland Department of Assessments and Taxation information reveals that Petitioner's lot at 9,177 square feet is smaller than the adjacent properties. These adjacent properties contain between 12,200 square feet and 19,716 square feet. The size and shape of Petitioner's property prevents the garage from being constructed in the rear yard.

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 7th day of December, 2010 that a Variance from Sections 1B02.3.A.5, 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition (garage) with a 4 feet side yard setback and sum of side yards of 13 feet and rear yard setback of 7 feet in lieu of the minimum required 10 feet, 25 feet and 30 feet, respectively, and to permit an open projection (front porch) with a minimum front setback of 17 feet in lieu of the required 22.5 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.
2. The proposed garage and porch shall be architecturally compatible and consistent with the existing dwelling.
3. Any significant changes to the driveway shall be shown on the site plan.

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