

IN RE: PETITION FOR ADMIN. VARIANCE
E side of Kirkwood Rd, 215 feet S of the c/l
c/l of Green Street
7th Election District
3rd Councilmanic District
(20413 Kirkwood Shop Road)

Scott D. and Sally O'Hara
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0184-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, Scott D. and Sally O'Hara for property located at 20413 Kirkwood Shop Road. The variance request is from Section 104.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition on a non-conforming single family dwelling in excess of the permitted 25% of the ground floor area of the building so used. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition to accommodate elderly parents, one of whom is wheelchair bound. The existing dwelling contains 897 square feet and additional living space is necessary. The proposed addition measures 24 feet x 25.4 feet. Due to the layout of the dwelling, the location of the wellhead and septic system, the addition cannot be constructed elsewhere. No dwellings are within 150 feet of the subject property.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 21, 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 28th day of December, 2010 that a variance from Section 104.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition on a non-conforming single family dwelling in excess of the permitted 25% of the ground floor area of the building so used be and 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.

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