

IN RE: PETITION FOR ADMIN. VARIANCE
N side of Lombardy Drive, 330 E of the
c/l of Woodwell Road
12th Election District
7th Councilmanic District
(33 Lombardy Drive)

Terry Ann Schunck
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0187-A**

* * * * *

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, Terry Ann Schunck for property located at 33 Lombardy Drive. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback of 1 foot in lieu of the required 7.5 feet for a proposed carport. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to install a carport measuring 11 feet x 26 feet to protect a vehicle from the 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 December 14, 2010 which indicates they do not oppose the request, provided certain conditions are met: 1) Written support from the adjacent neighbor at 35 Lombardy Drive; 2) The shed on the opposite side of the subject dwelling appears to be in violation of County regulations. There is no record of a variance for a shed in the side yard. 3) Trim and roofing materials shall be the same as is on the subject dwelling.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 9, 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. I will not require the Petitioner to obtain written support for the carport from the adjacent neighbor at 35 Lombardy Drive. The property was duly posted and the neighbor did not voice any concern or opposition to the variance request.

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 29th day of December, 2010 that a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback of 1 foot in lieu of the required 7.5 feet for a proposed carport 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 trim and roofing materials on the carport shall be the same as that on the existing dwelling.

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