

IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Gough Street, 168 feet E of
the c/l of Overview Avenue
12th Election District
7th Councilmanic District
(7213 Gough Street)

Brian T. and Donna M. Abt
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0188-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, Brian T. and Donna M. Abt for property located at 7213 Gough Street. The variance request is from Section 1B02.3.A.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open projection (awning) addition with a side yard setback of 8 inches in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners’ dwelling is an end unit townhome with a southern exposure on the side wall which significantly increases energy costs. The side yard essentially becomes unusable due to the extreme heat caused by sun exposure. Petitioners desire to be able to use their side yard. None of the neighbors expressed any concern or opposition to the proposed awning.

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 6, 2010 which indicates that the awning is the same size as the footprint of the residence from which it projects. It is disproportionate as an accessory structure. A majority of the rear yard is filled with a large garage. The side yard over which the awning will project has a large detached shed.

Nonetheless, the Planning Office does not oppose the request provided the shed in the side yard is removed and the awning is reduced to provide a side yard setback of four feet.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 12, 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. Petitioners are made aware, however, that they will be required to deal with any potential runoff emanating from the awning and may be required to provide the necessary gutters.

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 6th day of January, 2011 that a variance from Section 1B02.3.A.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open projection (awning) addition with a side yard setback of 8 inches in lieu of the required 15 feet 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.
2. Petitioners are required to deal with any potential runoff emanating from the awning and are required to provide the necessary gutters.

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