

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Alma Road, 75 feet N of
Laverne Avenue
13th Election District
1st Councilmanic District
(2424 Alma Road)

Jack D. Alexander and Jacqueline E. Miller
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0029-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, Jack D. Alexander and Jacqueline E. Miller for property located at 2424 Alma Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 0 feet in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Photographs submitted by the Petitioners show a one story frame dwelling containing approximately 700 square feet. More recent photographs depict the dwelling undergoing significant remodeling to include a second story, reconfigured front entrance and front façade, and an addition onto the rear of the home. The improvements are necessary to accommodate a parent who has Multiple Sclerosis and requires specialized equipment. Petitioners' adjacent neighbor at 2426 Alma Road submitted a letter dated July 8, 2006 attesting that the she has lived in her residence for 10 years and the subject one car garage has been in place for at least that length of time. It is assumed that the 0 feet side yard setback for the one car garage was discovered during the building permit review process. Petitioners would incur undue hardship if the garage which has existed at this location for at least

10 years was removed. Petitioners also provided photographs of other dwellings in the neighborhood that have garages, carports, and side entrances on the property line. In fact, one of these photographs shows two homes only two feet apart.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 10, 2008 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 29th day of August, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 0 feet in lieu of the required 10 feet 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