

IN RE: PETITION FOR ADMIN. VARIANCE
S side of Ashton Valley Way, 542 feet E of
c/l intersection of Amore Circle
1st Election District
1st Councilmanic District
(7507 Ashton Valley Way)

Michael and Sharon Loving
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0002-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 owners of the subject property, Michael and Sharon Loving for property located at 7507 Ashton Valley Way. The variance request is from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a two-story addition with a front setback of 20 feet 7 inches in lieu of the required 25 feet, and to amend the last revision of the Final Development Plan of Ashton Valley for Lot 51 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a second-story living space above the front porch to create a dedicated work/study area. The proposed addition measures 6 feet x 11 feet 3 inches in size. The Petitioners' home is approximately 5 feet closer to Ashton Valley Way than the neighbors' house at 7509 Ashton Valley Way.

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 July 19, 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 11th day of August, 2008 that a variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) To permit a two-story addition with a front setback of 20 feet 7 inches in lieu of the required 25 feet, and to amend the last revision of the Final Development Plan of Ashton Valley for Lot 51 only 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