

**IN RE: PETITION FOR ADMIN. VARIANCE**

NW corner of Gunpowder Road and  
Susquehanna Road  
15<sup>th</sup> Election District  
6<sup>th</sup> Councilmanic District  
**(7344 Gunpowder Road)**

Charles E. Maddox Jr. and Leanne M. Maddox  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0006-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, Charles E. Maddox Jr. and Leanne M. Maddox for property located at 7344 Gunpowder Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the reconstruction of a single family dwelling on a corner lot with 10 feet side setback to the street right-of-way in lieu of the required 25 foot setback. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners' existing house was constructed on an undersized lot in 1944 and contains 960 square feet. The house is old and costly to maintain. Petitioners desire to construct a new efficient house of a larger size to accommodate the growing family.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated August 19, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is in a Limited Development Area and lot coverage of all surfaces are limited to 25% + 500 square feet. In addition, the 15% afforestation requirement must be met.

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 21<sup>st</sup> day of August, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the reconstruction of a single family dwelling on a corner lot with 10 feet side setback to the street right-of-way in lieu of the required 25 foot setback 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. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).

3. The property is in a Limited Development Area of the Chesapeake Bay Critical Area. Lot coverage of all surfaces are limited to 25% + 500 square feet. In addition, the 15% afforestation requirement must be met.

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