

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Falls Road, 540 feet W of Pretty
Boy Garth
7th Election District
3rd Councilmanic District
(1911 Falls Road)

Ronald E. Watts, et ux
Petitioners

* BEFORE THE
* ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0310-A**

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Ronald E. Watts and his wife, Sharon M. Watts. Variance relief is requested from Section 1A09.7.B.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 30 feet in lieu of the required 35 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation

contained within the case file.

This administrative variance case supposedly closed on June 22, 2009. In reviewing the case file, it was discovered that the required posting was not done for the closing on June 22, 2009. The file is marked with a closing date of June 22, 2009; however, paperwork contained in the file shows a closing date of July 6, 2009. The file was returned to the Zoning Review Office for further processing. However, the file was not returned to this Office with the other administrative variance case files that closed on July 6, 2009, even though the closing date on the file was changed to July 6, 2009. On November 18, 2009, the file for the above-captioned case was brought to the Zoning Commissioner's Office. The whereabouts of the case file between June 23, 2009 and November 18, 2009 is unknown.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the layout and location of the existing dwelling thereon. As shown on the site plan, the Petitioners desire to construct an addition measuring 22 feet x 16 feet 6 inches onto the left side of the dwelling. An in-ground swimming pool with decking and fencing is located on the left side of the home which prevents the proposed addition from being moved back on the property. The site plan also shows another proposed addition to be constructed on the right side of the dwelling. That second proposed addition will be constructed within the setback. Petitioners' dwelling was constructed closer to Falls Road than the adjacent dwellings. The subject property contains 1.25 acres zoned R.C. 8 and is served by private well and sewer systems which are located in the backyard. 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.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale.

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 Zoning Commissioner for Baltimore County, this 24th day of November, 2009 that a variance from Section 1A09.7.B.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 30 feet in lieu of the required 35 feet for an addition 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, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

SIGNED
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz