

**IN RE: PETITION FOR ADMIN. VARIANCE**  
E side of Sollers Point Road, 150 feet N  
of c/l Louth Road  
12<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
**(3309 Sollers Point Road)**

Regina Powers  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0084-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 owner of the subject property, Regina Powers for property located at 3309 Sollers Point Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a front yard set back of 23 feet in lieu of the required 25 feet, or in the alternative, from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a front yard setback of 23 feet in lieu of the required 35 feet, whichever Section the Zoning Commissioner determines is applicable. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner wishes to construct an additional room measuring 12 feet x 14 feet and a covered porch measuring 6 feet x 16 feet onto the front of the home. The addition is to provide additional space for the care of injured small animals and birds. The porch is for her enjoyment. She believes in rescuing small animals and birds who have been injured, nurturing them back to good health, and releasing them back into their natural habitat. She is licensed by the State of Maryland to provide this service which is not a commercial enterprise. While the rear of the property contains sufficient area for the construction of the room addition and would not require a variance, there is no sunlight which is a prerequisite. The front of the home provides the necessary amount of sunlight that the animals

crave. The Office of Planning did not oppose the Petitioner's request for variance relief. None of the Petitioner's neighbors voiced any objection to the variance request.

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 November 6, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Regulations. This property is located within the Chesapeake Bay Critical Area and also in an Intensely Developed Area (IDA). IDA regulations state that development or redevelopment shall use best management practices (BMP), which reduce pollutant loading by 10% of the on-site level prior to development or re-development. A mitigation fee of \$1.20 per square foot lot coverage, tree planting or a combination of both may be required for this site.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 5, 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 14<sup>th</sup> day of November, 2008 that a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a front yard setback of 23 feet in lieu of the required 35 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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. This property is located within the Chesapeake Bay Critical Area and also in an Intensely Developed Area (IDA). IDA regulations state that development or redevelopment shall use best management practices (BMP), which reduce pollutant loading by 10% of the on-site level prior to development or re-development. A mitigation fee of \$1.20 per square foot lot coverage, tree planting or a combination of both may be required for this site.

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