

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NE side Avatar Lane, 61 feet NE		
Runnymede Road	*	DEPUTY ZONING
2 nd Election District		
2 nd Councilmanic District	*	COMMISSIONER
(4708 Avatar Lane)		
	*	FOR BALTIMORE COUNTY
Dorina P. Strickland		
<i>Petitioner</i>	*	Case No. 2009-0094-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, Dorina P. Strickland for property located at 4708 Avatar Lane. The variance request is from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an addition (deck) with a rear yard setback of 15 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. The Petitioner wishes to construct a deck measuring approximately 39 feet x 15 feet on the rear of the home. There is an existing sliding door into the house at this location. The property is on a lot measuring 90 feet x 58 feet in size and contains 5,220 square feet. The rear of the home is the only place the deck can be built. The deck cannot be placed on either side of the house, as the side property line is 10 feet from the home on the left side and 9 feet from the home on the right side.

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 October 11, 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 30th day of October, 2008 that a Variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an addition (deck) with a rear yard setback of 15 feet in lieu of the required 30 feet, be and 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.

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:dlw