

IN RE: PETITION FOR ADMIN. VARIANCE

SE of Bellvue Avenue, 347 feet NE of
c/l of Bradshaw Road
11th Election District
3rd Councilmanic District
(11709 Bellvue Avenue)

Russell and Sharon Brooks
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0101-A**

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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, Russell and Sharon Brooks for property located at 11709 Bellvue Avenue. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have side yard setbacks of 35 and 16 feet in lieu of the required 50 each, and a front yard setback of 60 feet from the centerline of a road in lieu of the required 75 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners' home sustained significant roof and structural damage from a recent storm. In addition to the necessary major repairs, they want to provide additional space in the living room. Petitioners discussed the proposed addition with their neighbors and the file contains 14 letters of support from these neighbors. The properties on this section of Bellevue Avenue are very deep at approximately 330 feet; however, the homes were constructed about 55 feet from the front property lines.

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 24, 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 14th day of November, 2008 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have side yard setbacks of 35 and 16 feet in lieu of the required 50 each, and a front yard setback of 60 feet from the centerline of a road in lieu of the required 75 feet 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