

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W side of Providence Road, 120 feet N of		
c/l of Ellendale Drive	*	DEPUTY ZONING
9 th Election District		
3 rd Councilmanic District	*	COMMISSIONER
(1432 Providence Road)		
	*	FOR BALTIMORE COUNTY
Scott Lee Robison		
<i>Petitioner</i>	*	Case No. 2009-0137-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, Scott Lee Robison for property located at 1432 Providence Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 25 feet in lieu of the required 40 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner wishes to construct an addition measuring 10 feet x 20 feet in size. The homes in the neighborhood were constructed with the front door facing the street known as Providence Road; however, the front door of the subject dwelling faces the side of the dwelling located at 1430 Providence Road. Locating the proposed addition on the northwest or southeast face of the house would be detrimental to the functional layout of the house, encroach on the rear patio/deck and diminish views. Photographs submitted by the Petitioner depict heavy vegetation between the subject property and adjacent properties. The architecture of the proposed addition will be in scale and keeping with the existing house and surrounding dwellings. The property contains 30,000 square feet and is served by a private septic system. The adjacent property owner of 1434 Providence Road did not oppose the requested variance.

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 November 14, 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 4th day of December, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 25 feet in lieu of the required 40 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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:pz