

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
N side of Townsend Road, 280 feet E of		
c/l of Riverside Road	*	DEPUTY ZONING
15 <sup>th</sup> Election District		
7 <sup>th</sup> Councilmanic District	*	COMMISSIONER
<b>(306 Townsend Road)</b>		
	*	FOR BALTIMORE COUNTY
Diane Lasek		
<i>Petitioner</i>	*	<b>Case No. 2009-0139-A</b>

\* \* \* \* \*

**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, Diane Lasek for property located at 306 Townsend Road. The variance request is from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the required 10 feet for a proposed dwelling. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. The Petitioner proposes to raze the existing dwelling and construct a new single family dwelling and detached garage. Constructing the new dwelling 3 feet into the left side setback of the property will permit access to the garage in the rear yard.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated December 9, 2008 which indicates that the proposed setback is generally seen in the subject community. Comments were received from the Department of Environmental Protection and Resource Management dated December 23, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. This property is located within an Intensely Developed Area of the Chesapeake Bay Critical Area and must meet residential 10% pollutant

reduction requirements and Petitioner shall contact the Environmental Impact Review Division for details.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 23, 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, 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 12<sup>th</sup> day of January, 2009 that a Variance from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the required 10 feet for a proposed dwelling 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.

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 an Intensely Developed Area of the Chesapeake Bay Critical Area and must meet residential 10% pollutant reduction requirements. Petitioner shall contact the Environmental Impact Review Division at 410-887-3980 for details.
4. Prior to obtaining a building permit, the Petitioner shall submit the following information to the Office of Planning for their review and approval:
  - a. Submit photographs of existing adjacent dwellings.
  - b. Submit building elevations (all sides) of the proposed dwelling. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building uses the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
  - c. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
  - d. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
  - e. Provide landscaping along the public road, if it is consistent with the existing streetscape

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