

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
SW side of Timberlane Road, 330 feet SE		
of c/l of Light Foot Drive	*	DEPUTY ZONING
Election District		
Councilmanic District	*	COMMISSIONER
<b>(6808 Timberlane Road)</b>		
	*	FOR BALTIMORE COUNTY
Estate of Joseph S. Miller, by Barton Sidle,		
Personal Representative		
<i>Legal Owner</i>	*	
Jennifer Lynn Margolese		
<i>Contract Purchaser</i>	*	<b>Case No. 2009-0162-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, Estate of Joseph S. Miller, by Barton Sidle, Personal Representative, and Jennifer Lynn Margolese, the contract purchaser on December 21, 2008. The property was transferred from the Miller Estate to Ms. Margolese on December 23, 2008. The variance request is from Sections 1B01.2.3 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 18 feet front yard setback in lieu of the 26 feet setback required by front averaging. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. The Petitioner wishes to add two bedrooms to the existing home. Due to the unusual placement and design of the home on the lot it is difficult to place the addition anywhere else on the home.

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 22, 2008 which indicates that the property is within the 1958 subdivision of Wellwood, and is a very deep and irregular lot. While the predominant patter in that neighborhood is houses constructed parallel to the street, the existing dwelling is situated at an angle to the street. The

front entrance is on the side of the dwelling. There is a practical difficulty involved in constructing a front addition. The Planning Office does not object to the requested variance which will allow the modernization of the house with a much needed bedroom addition.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 20, 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. The Petitioner would be unable to construct an addition containing two much-needed bedrooms. The existing home is was constructed at an angle and closer to Timberlane Road than other dwellings in the neighborhood. Drawings submitted with the Petition show extensive remodeling as well as the proposed addition to the home. These home improvements will be an asset to the community.

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 13<sup>th</sup> day of January, 2009 that a Variance from Sections 1B01.2.3 and 303.1 of the

Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 18 feet front yard setback in lieu of the 26 feet setback required by front averaging 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:pz