

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Corbett Road, 1900 feet E of
Chesterfield Court
8th Election District
3rd Councilmanic District
(1039 Corbett Road)

Leo V. Miller Jr. and Vicki L. Devalck
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0165-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, Leo V. Miller Jr. and Vicki L. Devalck for property located at 1039 Corbett Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 47 feet in lieu of the minimum required 50 feet (RC-5 zoning was in effect at the time of subdivision approval). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a garage addition adjacent to an existing mudroom. Due to the location of the dwelling on the property, the addition cannot practically be situated elsewhere. The property contains 6.539 acres and is served by private well and septic system. In a telephone call with Vicki L. Devalck, she confirmed that the Petitioners currently reside at 17206 Hunter Green Road in Upperco, Maryland and purchased the subject property in September, 2008 and commenced remodeling. After the remodel is complete, Petitioners will reside at 1039 Corbett Road in Monkton, Maryland.

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 December 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 14th day of January, 2009 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 47 feet in lieu of the minimum required 50 feet (RC-5 zoning was in effect at the time of subdivision approval) 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