

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S side of Star Circle, 275 feet E of c/l		
of McDonogh Road	*	DEPUTY ZONING
2 nd Election District		
4 th Councilmanic District	*	COMMISSIONER
(4308 Star Circle)		
	*	FOR BALTIMORE COUNTY
Michelle A. Bland		
<i>Petitioner</i>	*	Case No. 2009-0169-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, Michelle A. Bland for property located at 4308 Star Circle. The variance request is from Sections 504.2 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit a deck with a rear setback of 8 feet in lieu of the required 11.25 feet, and to amend the Final Development Plan of Starwood Lot # 52 only. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. The townhomes located behind the Petitioner’s property are situated on a hill which causes water runoff and muddy conditions in the Petitioner’s backyard. These conditions result in the Petitioner’s loss of reasonable use of his backyard. Existing rear doors will lead to the proposed deck. The right side of the rear of the home contains outside stairs leading to the basement. Photographs submitted by the Petitioner depict many decks in the townhouse neighborhood similar to that being proposed. None of the adjacent neighbors voiced any objection to the proposed deck.

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 21, 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 13th day of January, 2009 that a Variance from Sections 504.2 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit a deck with a rear setback of 8 feet in lieu of the required 11.25 feet, and to amend the Final Development Plan of Starwood Lot # 52 only 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