

|                                       |   |                             |
|---------------------------------------|---|-----------------------------|
| <b>IN RE: PETITION FOR VARIANCE</b>   | * | BEFORE THE                  |
| SW side of Broadship Road, 37 feet SW |   |                             |
| of the c/l of Sunship Road            | * | DEPUTY ZONING               |
| 12 <sup>th</sup> Election District    |   |                             |
| 7 <sup>th</sup> Councilmanic District | * | COMMISSIONER                |
| (40 Broadship Road)                   |   |                             |
|                                       | * | FORBALTIMORE COUNTY         |
| <b>Dundalk Renaissance Corp.</b>      |   |                             |
| <i>Petitioner</i>                     | * | <b>CASE NO. 2009-0181-A</b> |

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Amy Menzer on behalf of the legal owner of the subject property, Dundalk Renaissance Corporation. Petitioner is requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9 feet and a rear yard setback of 28 feet in lieu of the minimum required 10 feet and 50 feet, respectively, for an addition. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests was Jeff Mathai, Housing Project Manager, on behalf of Petitioner Dundalk Renaissance Corporation. Also appearing in support of the requested relief was Duane Campbell with Campbell Brothers Contracting. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is rectangular in shape and contains approximately 0.07 acre zoned D.R.10.5. The property is located on the west side of Broadship Road, south of Sunship Road and east of Dundalk Avenue in the historic Dundalk area of Baltimore County. The property is improved with a two-story duplex style dwelling that is also part of a cluster of four row homes. The subject dwelling is an end-of-group structure, but

is relatively small with only two bedrooms. As shown on the site plan, the dwelling is approximately 19 feet wide by 25 feet deep. The property and the surrounding properties are also depicted on the zoning map that was marked and accepted into evidence as Petitioner's Exhibit 2.

The property is currently owned by Petitioner Dundalk Renaissance Corporation, a non-profit community based membership organization and community development corporation that attempts to create home ownership opportunities for households at 80% or below the regional median income. As indicated in a letter dated February 22, 2009 from Amy Menzer, the Executive Director, to Timothy Kotroco, Director of the Baltimore County Department of Permits and Development Management, this organization acquires and renovates houses for home ownership in Dundalk's National Register Historic District as part of their efforts to revitalize the Dundalk community. A copy of the letter was marked and accepted into evidence as Petitioner's Exhibit 3. Petitioner acquired the property in 2007 and desires to expand the size of the existing footprint to allow for an additional bedroom with full bathroom to the rear of the home. In order to do so, Petitioner is in need of variance relief from the side yard and rear yard setback requirements.

In support of the variance requests, Petitioner reiterated that a number of the older properties they acquire in Dundalk are small two bedroom homes. To give some historic perspective, Mr. Campbell, Petitioner's contractor, pointed out that many of these duplex style row homes were built during the heyday of Bethlehem Steel in Sparrows Point. According to tax records, the subject dwelling was built in 1921. Mr. Campbell also indicated that often in a community of row homes, there would also be single-family dwellings dotting the area. This is illustrated on the zoning map accepted into evidence as Petitioner's Exhibit 2. The homes were

built for employees, with the row homes normally occupied by the families of rank-and-file steel workers and the single-family homes occupied by foremen.

While the goal of Petitioner is to restore and retain the historic character of these homes, they are also focused on upgrading the homes to attract new homebuyers and make them livable for today's family for decades to come. In the instant matter, the proposed addition will provide more options for a future homebuyer and expand the potential pool of buyers to larger families, while also boosting the value of the property. Photographs of the property were marked and accepted into evidence as Petitioner's Exhibits 4A through 4H. As an end-of-group, there is a small side yard. There is also an alleyway to the rear of the property that abuts the properties behind the subject property along Kinship Road to the west. This creates a substantial buffer between the rear yards of the properties.

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 February 6, 2009 which indicates that the proposed addition is generally compatible in size with similar rear additions and detached structures in the adjacent residences. The proposed addition does not appear to be highly visible from the public street. However, the Planning Office would like to see elevations of the proposed addition to affirm compatibility. Further, the Planning Office recommends that no further structures be permitted on the site if this request is granted.

Considering of all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The existing side yard setback for this home that predates the Zoning Regulations is 9 feet. With the proposed addition to the rear of the property, that 9 foot setback will be maintained. Instead of being 25 feet in depth, that north side of the home will be extended to 38

feet. As to the rear yard setback, the current 41 foot setback will be reduced to 28 feet with the proposed addition; however, as earlier indicated, there will be a more than adequate buffer to the rear of adjacent properties with the existing alleyway in between. Thus, I find there would be no negative impacts associated with the proposed addition and am persuaded to grant the variance requests.

I also find that practical difficulty or unreasonable hardship would befall Petitioner if the relief were not granted. Petitioner would be unable to add much needed improvements to the property, as well as serving the public good of providing opportunities for affordable housing to lower income families. Finally, I find the variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 30<sup>th</sup> day of March, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9 feet and a rear yard setback of 28 feet in lieu of the minimum required 10 feet and 50 feet, respectively, for an addition be and are hereby GRANTED. The relief granted herein shall be subject to the following:

1. Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Elevation drawings of the proposed addition shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permit.

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