

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
SE of Chestnut Road, 783 feet SW from		
Seneca Road	*	DEPUTY ZONING
15 <sup>th</sup> Election District		
6 <sup>th</sup> Councilmanic District	*	COMMISSIONER
<b>(3729 Chestnut Road)</b>		
	*	FOR BALTIMORE COUNTY
Carl L. Rossmark		
<i>Petitioner</i>	*	<b>Case No. 2009-0185-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, Carl L. Rossmark for property located at 3729 Chestnut Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an attached garage to be 3 feet from a side property line in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to construct an attached garage to protect his automobiles from inclement weather and to provide much needed storage space. The existing dwelling was constructed in 1969 and prior to construction a variance (Case No. 1969-0001) was granted to permit a front building line of 100 feet instead of the required 150 feet. The property is 104 feet wide at the front property line, 550 feet deep along the left property line and 580 feet deep along the right property line and contains 1.298 acres. The existing dwelling is constructed 22 feet from the left property line. The property owners of 3727 Chestnut Road, Robert Paul Schreiber and Charles T. and Sharon L Brickell, did not voice any objection to the variance request.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review

dated January 26, 2009. The comments indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. Comments were received from the Department of Environmental Protection and Resource Management dated February 4, 2009 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 15% and there are limits on forest clearing. Clearing up to 20% must be mitigated 1:1, clearing between 20%-30% must be mitigated at 1.5:1 for the entire area cleared, and clearing above 30% is not permitted without a variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 18, 2009 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 19<sup>th</sup> day of February, 2009 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an attached garage to be 3 feet from a side property line in lieu of the required 50 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
3. The flood protection elevation for this site is 11.2 feet.
4. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
5. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
6. The building engineer shall require a permit for this project.
7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
9. 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).

10. The property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 15% and there are limits on forest clearing. Clearing up to 20% must be mitigated 1:1, clearing between 20%-30% must be mitigated at 1.5:1 for the entire area cleared, and clearing above 30% is not permitted without a variance.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

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SIGNED  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz