

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E side of Chesapeake Avenue, 465 feet S		
of the c/l of Chester Road	*	DEPUTY ZONING
15 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(1419 Chesapeake Avenue)		
	*	FOR BALTIMORE COUNTY
Amy Karey		
<i>Petitioner</i>	*	Case No. 2009-0190-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, Amy Karey for property located at 1419 Chesapeake Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard of 6 feet and a sum of side yards of 16 feet in lieu of the required 10 feet and 20 feet respectively as granted in previous zoning Case No. 2008-0437-SPHA. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. On June 5, 2008, in Case No. 2008-0437-SPHA, the Zoning Commissioner approved an accessory structure (garage) with a temporary second story living unit until such time as the principal residence is complete, and variances to permit a side yard of 10 feet with a sum of 20 feet, a swimming pool in the front yard, and an accessory structure 23 feet high. In preparing the building plans for the proposed construction, it became apparent that the garage, as originally proposed, would significantly block the view of the dwelling from Chesapeake Avenue. The Petitioner desires to move the garage 4 feet to the left or north of the original location. Since the garage will eventually be connected to the dwelling with a covered breezeway, it will be part of the principal structure which generates the request for the variance. Petitioner's neighbors residing at 1421 Chesapeake

Avenue, 1417 Chesapeake Avenue and 1423 Chesapeake Avenue have reviewed the site plan and variance request and do not have any objection. The property fronts on Galloway Creek in the Long Beach Estates area of Baltimore County.

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 February 4, 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 25, 2009 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 31.25% and the 15% afforestation requirement applies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 25, 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, 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 26th day of February, 2009 that a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard of 6 feet and a sum of side yards of 16 feet in lieu of the required 10 feet and 20 feet respectively as granted in previous zoning Case No. 2008-0437-SPHA -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.
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 within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 31.25% and the 15% afforestation requirement applies

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