

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Cunning Circle, 83 feet S side
of Eva Court
7th Election District
6th Councilmanic District
(7128 Cunning Circle)

Matthew and Michelle Christensen
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0191-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, Matthew and Michelle Christensen for property located at 7128 Cunning Circle. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 26 feet in lieu of the required 30 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an addition onto the rear of the split-level dwelling to accommodate their growing family. This proposed addition will contain a dining room, deck with stairs, and a bedroom. The rear of the dwelling has a concrete stairwell leading to the basement, so Petitioners are limited exactly where they can construct the addition. The rear property line is on an angle; therefore, the left side of the addition will encroach 4 feet into the 30 foot setback and the right side of the addition will encroach 2 feet into the 30 foot setback. Construction drawings submitted with the Petition depict an attractive addition which will be an asset to the neighborhood.

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 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, 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 10th 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 rear setback of 26 feet in lieu of the required 30 feet for an addition 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