

IN RE: PETITION FOR ADMIN. VARIANCE
N side of Locust Avenue, 100 feet W of the
c/l of Highview Road
13th Election District
1st Councilmanic District
(1262 Locust Avenue)

Tracy Ijams and Anthony Cigna III
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0214-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, Tracy Ijams and Anthony Cigna III for property located at 1262 Locust 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 setback of 6 feet in lieu of the required 10 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 measuring 9 feet x 27 feet in size onto the left side of their home. Constructing the addition off the rear of the house would be problematic due to the location of the HVAC system and plumbing, and the basement stairwell. Building out from the side of the house allows Petitioners to keep the architectural style of the home intact. The addition cannot be constructed on the right side of the home because of the existing concrete walkway and driveway. Petitioners point out that many homes in the neighborhood are set less than 10 feet from the property lines. The neighbors residing at 1260 Locust Avenue do not object to the addition.

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 March 10, 2009 which indicates they do not oppose the Petitioners' request; however, the subject addition should be architecturally consistent with the existing dwelling.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 21, 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 19th day of March, 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 setback of 6 feet in lieu of the required 10 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.
2. The subject addition shall be architecturally compatible with the existing dwelling.

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