

IN RE: PETITION FOR ADMIN. VARIANCE
W side Sollers Point Road, 920 feet N of c/l
of Yorkway Drive
12th Election District
7th Councilmanic District
(3430 Sollers Point Road)

Earl and Constance Gibson
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0236-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, Earl and Constance Gibson for property located at 3430 Sollers Point Road. The variance request is from Sections 1B02.3.c.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a landing and steps to be 6.5 feet from the side property line in lieu of the required 7.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct the landing and steps as an emergency exit in the event of a fire. Their daughter will use the steps for egress and ingress to the dwelling without disturbing the rest of the family. She works various shifts and comes and goes at different times of the day and night.

The property was the subject of previous Administrative Variance request in Case No. 2009-0050-A. In that case, Petitioners requested a proposed second story addition to have a front yard setback of 27 feet in lieu of the required front yard average of 30 feet. Case No. 2009-0050-A was granted with conditions on October 3, 2008. Petitioners now come before this Zoning Commissioner seeking additional relief from the required setbacks.

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 31, 2009

which observes that the house appears to have been recently modified. In terms of compatibility the shutters still need to be put on the front windows and debris, construction materials and tools (ladders, etc.) are still scattered around the front and rear yards. A scaffold is standing against the house at the location of the proposed landing and staircase. Children's toys are intermingled with the other contents of the site. All these should be removed or stored as a condition of the proposal being granted. Landscaping should be placed along the side property line of sufficient length and height to screen the proposed staircase. The house should remain a single family dwelling and no apartment may be permitted. The property is within the Chesapeake Bay Critical Area; however the Department of Environmental Protection and Resource Management did not have any comments on this variance request.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 22, 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. Photographs submitted by the Petitioners indicate that the second story addition is constructed. I will allow the outside landing and stairs, which are the subject of this variance request, as a additional means of escape in the event of a fire. The approval of this variance request does not

allow or permit the second floor of the dwelling to be used as a separate apartment or dwelling unit in the future.

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 20th day of April, 2009 that a variance from Sections 1B02.3.c.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a landing and steps to be 6.5 feet from the side property line in lieu of the required 7.5 feet 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. Landscaping shall be placed along the side property line of sufficient length and height to screen the proposed staircase.
3. The house shall remain a single family dwelling and no apartment is permitted.
4. All debris, construction materials and tools (such as ladders, etc.) are to be removed from the front and rear yards.

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