

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Placid Avenue, 275 feet W of the
c/l of Montego Avenue
9th Election District
3rd Councilmanic District
(2715 Placid Avenue)

Raymond and Linda Reitenauer
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0261-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, Raymond and Linda Reitenauer for property located at 2715 Placid Avenue. The variance request is from Section 205.3 (1963 B.C.Z.R. R-20 zone) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition on side of existing dwelling with a setback of 11 feet and a distance of 25 feet to other principal building in lieu of the required 15 feet and 30 feet respectively, and to permit an existing bedroom extension in rear with a 27 feet setback in lieu of the required 40 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The subject property is a modified pie shape and any increase in the dwelling's living area would require a variance. The proposed family room and kitchen extension will provide valuable additional living space for the family. A deck has existed at the proposed addition location since the house was constructed in 1993, and this deck will be demolished. The adjacent property owner at 2713 Placid Avenue does not object to the proposed addition. The variance request for 27 feet rear setback is added to 'clean up' the as-built rear addition (Case No. 99-055-A) together with this Petition for a proposed side addition.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 19, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have 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 Petitioners.

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 11th day of May, 2009 that a variance from Section 205.3 (1963 B.C.Z.R. R-20 zone) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition on side of existing dwelling with a setback of 11 feet and a distance of 25 feet to other principal building in lieu of the required 15 feet and 30 feet respectively, and to permit an existing bedroom extension in rear with a 27 feet setback in lieu of the required 40 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.

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