

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
W side of Coachford Court, 439 feet S of	*	DEPUTY ZONING
the c/l of Crosshaven Road	*	COMMISSIONER
8 <sup>th</sup> Election District	*	FOR BALTIMORE COUNTY
2 <sup>nd</sup> Councilmanic District	*	
<b>(1005 Coachford Court)</b>	*	<b>Case No. 2009-0273-A</b>
Richard and Marcie Rosario		
<i>Petitioners</i>		

\* \* \* \* \*

### **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, Richard and Marcie Rosario for property located at 1005 Coachford Court. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 37 feet in lieu of the minimum required 50 feet, and to amend the Final Development Plan of the Smyth Property for Lot 16 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an addition measuring 14 feet x 20 feet in size. The proposed addition will contain a bathroom, laundry room and mudroom to service the existing kitchen which is located at the back right corner of the dwelling. The location for the addition is the only area that has proximity to the kitchen and can be built without interfering with the functional layout of the existing floor plan. Photographs submitted by the Petitioners depict a number of similar additions in the immediate area.

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 April 30, 2009 which indicates that prior to the application for any building permits, the Petitioners shall provide

architectural elevations for the proposed addition that utilize the same building materials as were shown in the approved architectural elevation drawings for the existing structure.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 26, 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 18<sup>th</sup> day of May, 2009 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 37 feet in lieu of the minimum required 50 feet, and to amend the Final Development Plan of the Smyth Property for Lot 16 only 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. Prior to the application for any building permits, the Petitioners shall provide to the Office of Planning for their review and approval the architectural elevations for the proposed addition that utilize the same building materials as were shown in the approved architectural elevation drawings for the existing structure.

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