

**IN RE: PETITION FOR ADMIN. VARIANCE**  
N side of Michian Avenue, 250 feet E of  
the c/l of Washington Street  
13<sup>th</sup> Election District  
1<sup>st</sup> Councilmanic District  
**(3007 Michigan Avenue)**

David Cain and Christy A. Lynn  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0297-A**

\* \* \* \* \*

**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, David Cain and Christy A. Lynn for property located at 3007 Michigan Avenue. The variance request is from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition (garage) with a 0 foot side setback in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an attached garage to protect a collector automobile from vandalism and the elements. The next door neighbors, Joseph and Lisa O'Connell, residing at 3009 Michigan Avenue, submitted a letter of support for the variance request dated May 9, 2009.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The Office of Planning has reviewed the request and accompanying site plan and does not oppose the variance request. In their comments dated June 8, 2009, the Planning Office suggested that an agreement should be established with the neighbor that will be mostly impacted by this addition that encroachment of construction and maintenance may occur.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 22, 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 11<sup>th</sup> day of June, 2009 that a variance from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition (garage) with a 0 foot side setback in lieu of the required 10 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