

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Hickoryhurst Drive, 240 feet N
of the c/l of Klausmier Road
11th Election District
5th Councilmanic District
(9837 Hickoryhurst Drive)

Joann Davis
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0303-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 owner of the subject property, Joann Davis for property located at 9837 Hickoryhurst Drive. The variance request is from Section 1B01.2.C.1 (1974 Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a one-story patio room addition on rear of dwelling with a 32 feet window to window separation and a 14 feet distance from window to lot line in lieu of the required 40 feet and 15 feet respectively; and to amend the first amended Final Development Plan of Oakhurst Development, Section 1, Lot 81 only. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner wishes to construct a patio room measuring 14 feet x 12 feet on the existing deck at the rear of the dwelling. There is an existing sliding door that will lead into the new patio room. The home is not centered on the property and was constructed closer to the left property line.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 2, 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, 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 22nd day of June, 2009 that a Variance from Section 1B01.2.C.1 (1974 Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a one-story patio room addition on rear of dwelling with a 32 feet window to window separation and a 14 feet distance from window to lot line in lieu of the required 40 feet and 15 feet respectively; and to amend the first amended Final Development Plan of Oakhurst Development, Section 1, Lot 81 only is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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