

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Bart Allen Lane; 755 feet NW from
the c/l of East Devonfield Drive
11th Election District
3rd Councilmanic District
(4803 Bart Allen Lane)

Brain P. and Robin L. Znamirovski
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0316-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, Brain P. and Robin L. Znamirovski for property located at 4803 Bart Allen Lane. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard of 28 feet in lieu of the required 50 feet for a garage addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners propose to construct a 25 feet x 14 feet garage addition. Petitioners state that after several failed attempts to gain approval for a variance to construct a detached garage in the side yard of the property, it has become apparent that the only solution is to construct a garage which will be attached to the existing principal structure. The location of the existing driveway and the layout and architectural features of the existing dwelling make it impractical to construct the garage addition in any other location. Mr. and Mrs. Edward Healy, residing at 1505 Greendale Road and are owners of adjacent Lot 5, do not have any objection to the proposal to construct the one-story addition to the existing garage.

This proposal as currently presented is consistent and within the spirit and intent of the Order issued for Case No. 2009-0184-A by Zoning Commissioner William J. Wiseman, III.

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 June 20, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners 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.

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 28th day of July, 2009 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard of 28 feet in lieu of the required 50 feet for a garage addition 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