

IN RE: PETITION FOR ADMIN. VARIANCE
N side of Breezewick Circle; 800 feet N
of Breezewick Road
9th Election District
5th Councilmanic District
(922 Breezewick Circle)

Edward and Lisa Macsherry
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0023-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, Edward and Lisa Macsherry for property located at 922 Breezewick Circle. The variance request is from Sections 208.4 and 301.1 (1955-71 B.C.Z.R.) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing deck and an addition to same with a rear yard setback of 4 feet in lieu of the required 22 ½ feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The existing deck was constructed prior to the Petitioners' purchase of the dwelling. Petitioners now wish to extend the existing deck along the rear of the house to maximize usable space for the family. Subject deck will extend laterally with a small wrap around so that a second door and steps can access the deck.

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 July 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 13th day of August, 2009 that a variance from Sections 208.4 and 301.1 (1955-71 B.C.Z.R.) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing deck and an addition to same with a rear yard setback of 4 feet in lieu of the required 22 ½ 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

