

IN RE: PETITION FOR ADMIN. VARIANCE
NE side of Macintosh Court; 668 feet S of the
c/l of Grannysmith Court
15th Election District
6th Councilmanic District
(10 Macintosh Court)

David and Melissa Eichelberger
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0030-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, David and Melissa Eichelberger for property located at 10 Macintosh Court. The variance request is from Section 1B01.2.C(1)(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a family room addition on rear of dwelling with a rear setback of 24 feet in lieu of the required 30 feet, and to amend the Final Development Plan of Alma Smith Property for Lot No. 28 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition measuring 25 feet x 12 feet onto the existing deck. The Petitioners have two children and recently the mother-in-law moved in with the family. The addition will be constructed on part of the existing rear deck to become a family room. Additional living space is needed for the growing family.

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 August 9, 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 21st day of September, 2009 that a variance from Section 1B01.2.C(1)(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a family room addition on rear of dwelling with a rear setback of 24 feet in lieu of the required 30 feet, and to amend the Final Development Plan of Alma Smith Property for Lot No. 28 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.

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