

IN RE: PETITION FOR ADMIN. VARIANCE
SW side of intersection of Doe Ridge Drive
and Mayfield Avenue
2nd Election District
4th Councilmanic District
(7809 Doe Ridge Drive)

Matthew and Susan Kolarosky
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0050-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, Matthew and Susan Kolarosky for property located at 7809 Doe Ridge Drive. The variance request is from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed open deck addition with a rear yard setback of 16 feet in lieu of the permitted 22½ feet and amend the last approved Final Development Plan for Deer Run at Mayfield, Section 2, Lot 66 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a deck measuring 14 feet x 19 feet in size which will be of sufficient size to allow for a table, chairs and grill to fit comfortably. Currently, the only way to access the backyard is to use the basement door. Petitioners point out that the majority of homes in Deer Run at Mayfield have decks similarly sized to the one they are requesting to build. In fact, both neighbors have decks which are similar to the one Petitioners propose.

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 23, 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 14th day of September, 2009 that a variance from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed open deck addition with a rear yard setback of 16 feet in lieu of the permitted 22½ feet and amend the last approved Final Development Plan for Deer Run at Mayfield, Section 2, Lot 66 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