

IN RE: PETITION FOR ADMIN. VARIANCE
W side of Old York Road; 635 feet W of the
c/l of Twig Court
7th Election District
3rd Councilmanic District
(19708 Old York Road)

Judith E. Hall and Susan L. Hall
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0076-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, Judith E. Hall and Susan L. Hall for property located at 19708 Old York Road. The variance request is from Section 1B02.3.B (R.D.P. 1970 1A00.3.B.3) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 42 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition containing a family room for their growing family. The east end of the dwelling where the proposed location will be constructed is level and already clear of trees. Constructing the addition at this location works with the layout of the split-level home.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated September 23, 2009 which indicates that since the property is located along a scenic route certain conditions related to screening and vegetation should apply.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 13, 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.

Petitioners are requesting a minor intrusion of only 8 feet into the side yard setback. Photographs submitted by the Petitioners clearly illustrate that the side property line contains numerous coniferous and deciduous trees along this border. The front yard contains several large deciduous trees. Petitioners' property contains 1.37 acres and the existing dwelling is set back 60 feet from the front property line. This proposed addition will be an attractive improvement to the neighborhood and will not impact any of the neighbors. I have determined that significant vegetation already exists on the subject property which will screen the addition from the street and the adjacent property. Therefore, I will not impose any conditions related to landscaping or screening as suggested by the Office of Planning.

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 6th day of October, 2009 that a variance from Section 1B02.3.B (R.D.P. 1970 1A00.3.B.3) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 42 feet in lieu of the required 50 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