

IN RE: PETITION FOR ADMIN. VARIANCE
SE side of Carriage Walk Court; 400 feet SE
of the c/l of Satyr Hill Road
9th Election District
5th Councilmanic District
(13 Carriage Walk Court)

Thomas L. Nickerson
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0095-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 owner of the subject property, Thomas L. Nickerson for property located at 13 Carriage Walk Court. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (1B01.2.C.2.a, 301.1 and 504 1970 zoning regulations and V.B.5.a. 1970 Comprehensive Manual of Development Policies) to permit a proposed open projection (deck) to have a tract boundary setback of 25 feet in lieu of the required 26¼ feet, and to amend the Final Development Plan of Carriage Walk, Lot 23 only. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner’s existing deck measures 8 feet x 12 feet in size which is a small area for outdoor furniture and a grill. Petitioner wishes to construct a deck measuring 12 feet x 18 feet in size which would be similar in size and style to that of adjacent properties. The photographs submitted with the Petition illustrate that neighboring homes enjoy larger decks than the Petitioner’s.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 26, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner 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 19th day of October, 2009 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (1B01.2.C.2.a, 301.1 and 504 1970 zoning regulations and V.B.5.a. 1970 Comprehensive Manual of Development Policies) to permit a proposed open projection (deck) to have a tract boundary setback of 25 feet in lieu of the required 26¼ feet, and to amend the Final Development Plan of Carriage Walk, Lot 23 only is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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