

IN RE: PETITION FOR ADMIN. VARIANCE
N side of Jill Court; 220 feet W of the c/l of
Amy Brent Way
4th Election District
3rd Councilmanic District
(2 Jill Court)

Zinoviy Fradlin and Alla Fradlina
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0106-A**

* * * * *

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, Zinoviy Fradlin and Alla Fradlina for property located at 2 Jill Court. The variance request is from Section 1A04.3.B.4 (1A00.3.B.3 R.D.P. 1970) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 35 foot setback to the street right-of-way and 60 feet to the centerline of the street in lieu of the required 50 feet and 75 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition measuring 22.8 feet x 28.4 feet to accommodate an elderly parent who is moving in with them. The dwelling was constructed at an angle on the property therefore the proposed addition is within the setbacks. The location of the proposed addition as depicted on the site plan works with the existing floor plan of the home. The property is served by private water and sewer systems.

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 October 4, 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 27th day of October, 2009 that a variance from Section 1A04.3.B.4 (1A00.3.B.3 R.D.P. 1970) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 35 foot setback to the street right-of-way and 60 feet to the centerline of the street in lieu of the required 50 feet and 75 feet, respectively 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.

