

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
SW side of Michaelsford Road; 285 feet NW of the		
c/l of Laurel Court	*	DEPUTY ZONING
8 th Election District		
2 nd Councilmanic District	*	COMMISSIONER
(12338 Michaelsford Road)		
	*	FOR BALTIMORE COUNTY
Annette Civera		
<i>Petitioner</i>	*	Case No. 2010-0129-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 owner of the subject property, Annette Civera for property located at 12338 Michaelsford Road. The variance request is from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 32 feet in lieu of the required 50 feet for a proposed addition, and to amend the Final Development Plan for Laurelford, Section Three, Lot 18 only. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner recently purchased the dwelling and wishes to make improvements by increasing the size and livability for a large family. The proposed addition will contain a large family room, den and powder room. Due to the existing layout of the home, the proposed improvements can only be constructed as shown on the site plan.

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 November 2, 2009 which indicates that they do not oppose the variance request. The Petitioner’s representative is aware that there is a homeowner’s association that has an architectural review process independent of the variance process.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 16, 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, 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 9th day of November, 2009 that a Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 32 feet in lieu of the required 50 feet for a proposed addition, and to amend the Final Development Plan for Laurelford, Section Three, Lot 18 only is hereby GRANTED, subject to the following:

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