

IN RE: PETITION FOR ADMIN. VARIANCE
S side of Seminary Aveue; 220 feet W of the
c/l of Francke Avenue
8th Election District
3rd Councilmanic District
(313 West Seminary Avenue)

William Su
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0183-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, William Su for property located at 313 West Seminary Avenue. The variance request is from Sections 1B02.3.B and 504 (1B01.2.C.4 Bill 100 1970, B.C.Z.R.) of the Baltimore County Zoning Regulations as follows:

- To permit an existing dwelling with a rear setback of 26 feet in lieu of the rquired 30 feet; and
- To permit an addition to be built outside of the building envelope; and
- To amend the latest Final Development Plan for "Seminary Woods", Lot 2 only.

The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner wishes to construct an addition to contain a master bedroom, bath and sitting room. The growing family requires additional living space and wishes to remain in their home and not have to relocate. This proposed addition will be in keeping with the architectural character of the existing dwelling. Said property is irregular in shape and the proposed addition cannot be constructed at the rear of the dwelling.

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 December 27, 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 20th day of January, 2010 that a variance from Sections 1B02.3.B and 504 (1B01.2.C.4 Bill 100 1970, B.C.Z.R.) of the Baltimore County Zoning Regulations as follows:

- To permit an existing dwelling with a rear setback of 26 feet in lieu of the required 30 feet;
- and
- To permit an addition to be built outside of the building envelope; and
- To amend the latest Final Development Plan for "Seminary Woods", Lot 2 only.

be and are 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