

IN RE: PETITION FOR ADMIN. VARIANCE
NE side of Sue Creek Drive; 598 feet SE of
Sue Aveune
15th Election District
6th Councilmanic District
(1928 Sue Creek Drive)

Frederick L. Riedel, Jr. and Louise E. Riedel
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0198-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, Frederick L. Riedel, Jr. and Louise E. Riedel for property located at 1928 Sue Creek Drive. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (Sections 1B01.2.C.2, 504 and 301 of the 1970 Zoning Regulations and Sections V.B.5.A and V.B.6.b of the 1970 Comprehensive Manual of Development Policies to permit a proposed addition and open projection (steps) with a window to tract boundary setback of 20 feet in lieu of the minimum required 35 feet; window to property line setbacks of 11 feet (both sides) in lieu of the minimum required 15 feet, open projection (steps) side setback of 7.5 feet in lieu of the minimum required 11¼ feet, and to amend the latest Final Development Plan for Sue Creek Landing, Plat 2, Lot 62 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners are in failing health and need the addition to accommodate family members who are moving to the residence to care for the Petitioners. The addition extends 16 feet from the rear of the dwelling and will be flush with the exterior sides of the dwelling. A new set of stairs will be constructed on the left side of the addition for easy access to the driveway. None of the neighbors expressed any concern over the proposed addition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated February 2, 2010, which indicates that development of the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located in an Intensely Developed Area within the Chesapeake Bay Critical Area and must comply with the 10% pollutant reduction requirements. Environmental Impact Review does not oppose this variance request provided the 10% reduction requirements are met. These requirements can be met by planting of native vegetation on-site or by payment of a fee-in-lieu. The Petitioners shall contact Environmental Impact Review at 410-887-3980 to discuss the options.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 24, 2010 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 18th day of February, 2010 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (Sections 1B01.2.C.2, 504 and 301 of the 1970 Zoning Regulations and Sections V.B.5.A and V.B.6.b of the 1970 Comprehensive Manual of Development Policies to permit a proposed addition and open projection (steps) with a window to tract boundary setback of 20 feet in lieu of the minimum required 35 feet; window to property line setbacks of 11 feet (both sides) in lieu of the minimum required 15 feet, open projection (steps) side setback of 7.5 feet in lieu of the minimum required 11¼ feet, and to amend the latest Final Development Plan for Sue Creek Landing, Plat 2, Lot 62 only 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.
2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. The property is located in an Intensely Developed Area within the Chesapeake Bay Critical Area and must comply with the 10% pollutant reduction requirements. These requirements can be met by planting of native vegetation on-site or by payment of a fee-in-lieu. The Petitioners shall contact Environmental Impact Review at 410-887-3980 to discuss the options.

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