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| IN RE: PETITION FOR VARIANCE | * | BEFORE THE |
| N side of Joppa Road; 300 feet W of | | |
| the c/l of Walther Boulevard | * | DEPUTY ZONING |
| 11 th Election District | | |
| 5 th Councilmanic District | * | COMMISSIONER |
| (3504 East Joppa Road) | | |
| | * | FOR BALTIMORE COUNTY |
| Kevin and Dawn Corun | | |
| <i>Petitioners</i> | * | CASE NO. 2010-0205-A |

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Kevin and Dawn Corun. Petitioners are requesting Variance relief from Section 402 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard of 12 feet in lieu of the required 15 feet for four apartments. The subject property and requested relief are more fully described on the site plan and floor plan, which were filed with the Petition and marked and accepted into evidence as Petitioners’ Exhibits 1 and 2, respectively.

This matter was originally scheduled for a public hearing on March 22, 2010 at 9:00 AM in Room 104 of the Jefferson Building located at 105 West Chesapeake Avenue in Towson. Notice of the hearing was provided by the posting of a sign on the property as well as by advertisement in *The Jeffersonian* newspaper. Petitioners Kevin and Dawn Corun appeared at the hearing, and there were no Protestants or other interested persons in attendance. The undersigned opened the hearing and heard testimony from Petitioners as to how they acquired the property and their plans for the property going forward. The Zoning Advisory Committee (“ZAC”) comment from the Office of Planning dated March 17, 2010 was not received by Petitioners until the undersigned gave them a copy at the hearing. This comment was not supportive of Petitioners’ plans to convert their dwelling to apartments or the related variance request. In the interest of

fairness, the undersigned permitted the hearing to be adjourned for approximately 30 days in order to give Petitioners the opportunity to prepare a response to the ZAC comment and perhaps meet with representatives of the Planning Office.

Thereafter, this matter was rescheduled before the undersigned for a public hearing on May 11, 2010 at 9:00 AM in Room 104 of the Jefferson Building. Appearing at the requisite public hearing once again in support of the variance request were Petitioners Kevin and Dawn Corun. Also appearing on behalf of the Office of Planning was Lynn Lanham, Chief of the Development Review Division. There were no Protestants or other interested persons in attendance.

At the outset of the hearing, Petitioners indicated that they had met with representatives of the Planning Office and explained their plans and provided a site plan, location survey, and other documentation in support of their request to convert their dwelling to apartment units. After discussing the matter with Planning officials, Petitioners agreed to scale back their plan and request the variance in order to convert the dwelling to two apartments instead of four. Petitioners indicated the variance relief would remain the same in this case, but requested to amend the Petition to reflect the conversion to two instead of four apartments. This is depicted on the revised site plan and revised floor plan, which were marked and accepted into evidence as Petitioners' Exhibits 5 and 6, respectively. Ms. Lanham with the Planning Office confirmed that her office is supportive of Petitioners' revised plan to convert the dwelling to two apartments and the related variance relief, and also submitted a revised ZAC comment, which will be expounded on further in this Order. The requested amendment was then granted without objection.

Testimony and evidence offered revealed that the subject property is rectangular in shape and contains approximately 0.4461 acre, more or less, zoned D.R.5.5. The property is located on the north side of East Joppa Road, just west of Walther Boulevard, in the Parkville area of Baltimore County. Mr. Corun purchased the property in 2003. At that time, it was improved with

a two-story wood frame single-family dwelling. According to tax records, the dwelling was originally built in 1952. Mrs. Corun's name was added to the Deed in 2004. Mr. Corun is an electrician and a home improvement contractor and Petitioners spent the first few years renovating the dwelling. In 2005, Petitioners added the two-story additions to each side of the original dwelling, as shown on the revised site plan, bringing the total square footage of the dwelling to approximately 5,000 square feet. At this juncture, Petitioners desire to convert the single-family dwelling (including the additions) to a two apartment, multi-family structure. In order to do so, under Section 402.1.B of the B.C.Z.R., Petitioners are also in need of variance relief for a side yard of 12 feet in lieu of the minimum side yard distance of 15 feet.

In support of the request, Petitioners explained that their plan is to live in the main, original dwelling identified on the revised floor plan as "unit B," which consists of a bedroom and full bathroom on the first floor, as well as a family room, dining room, and kitchen, along with a master bedroom on the second floor. They would also occupy the addition located at the east end of the property, which consists of a three car garage on the first floor and an exercise area/game room on the second floor. The second rented unit would consist of the addition located at the west end of the property and identified on the revised floor plan as "unit A." This unit would have the bedroom and bathrooms located on the first floor and the family room and kitchen area on the second floor.

Petitioners also submitted photographs that were marked and accepted into evidence as Petitioners' Exhibits 7A through 7K. These photographs depict the current appearance of the property with the aforementioned additions and other improvements. In particular, there is an asphalt driveway that leads from East Joppa Road along the east side of the property to a large parking pad. A shed is located to the rear of the parking pad. In addition, a four section vinyl privacy fence is located in front of the parking pad to screen the view from East Joppa Road. The

vinyl privacy fence also surrounds the rear yard of the property. An interesting feature of the subject property is that it is elevated from East Joppa Road approximately 20 feet. The property also is substantially larger than the other properties nearby, in what could be termed a “double lot.” Petitioners emphasized that with their revised plan to convert the dwelling to only two apartments, the potential impact on the neighborhood will be very slight. There is sufficient space for off street parking. Petitioners’ vehicles would be primarily parked and stored in the garages and the large parking pad would have plenty of room for tenants’ vehicles, while also being screened from view by the privacy fence. There is also abundant rear yard open space, as well as a small courtyard behind the original dwelling, between the two additions, as shown on the revised site plan. Petitioners have endeavored to make the additions appear as part of one larger home, rather than as separate apartment units.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Following an initial comment dated March 17, 2010 and subsequent to a meeting with Petitioners, the Office of Planning submitted a revised comment dated May 11, 2010. This comment indicates that Petitioners submitted revised drawings on April 25, 2010 to convert the single-family residence to a semi-detached unit (2 units). The Office of Planning supports this change and the requested variance.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I find the property to be unique in that it is significantly raised from the street level and the lot is significantly larger than surrounding properties. I also find Petitioners would suffer practical difficulty and undue hardship if the variance was to be denied. Petitioners would not be permitted a use specifically authorized by the Regulations. Further, I find that the variance can be granted in strict harmony with the spirit and

intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. As shown on the revised site plan, there will be little, if any, impact to the next door neighbor adjacent to the variance request. Their dwelling is 10 feet from the property line and Petitioners' dwelling will be 12 feet from the property line instead of the required 15 feet. Petitioners' privacy fence will also provide a buffer and screening.

In addition, Section 1B01.1.A.1.c of the B.C.Z.R. permits multi-family buildings in the D.R.5.5 Zone as a matter of right, but subject to findings of compatibility by the hearing officer. Based on the testimony and the evidence presented at the hearing, as well as the revised comment submitted by the Office of Planning in support of Petitioners' plan, I find that conversion of the dwelling to a multi-family building would be compatible with the existing pattern of dwellings in the neighborhood. There is no outward indication that the building would contain two apartments and as indicated above, parking would be contained entirely within the site and be screened by a fence. In my view, the additional apartment would be a minor alteration to the property's appearance as a single-family dwelling, and would be compatible with the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 12th day of May, 2010 by this Deputy Zoning Commissioner that Petitioners' Variance request from Section 402 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard of 12 feet in lieu of the required 15 feet for two apartments be is hereby **GRANTED**; and

IT IS FURTHER ORDERED that pursuant to Section 1B01.1.A.1.c of the B.C.Z.R., the conversion of the single-family dwelling to a multi-family building for two apartments is found to

be compatible with the existing pattern of single-family dwellings in the neighborhood. The relief granted and the findings made herein are subject to the following:

1. Petitioners are advised that they may apply for any required building permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Conversion of the dwelling shall be in accordance with the revised site plan and floor plan accepted into evidence as Petitioners' Exhibits 5 and 6, respectively, and Petitioners shall comply with any and all other provisions and requirements for rental units contained in the Baltimore County Code and the B.C.Z.R.

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