

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Kaufman Road; 350 feet E
of Bentley Road
7th Election District
3rd Councilmanic District
(306 Kaufman Road)

Stephen W. and Catherine S. Carroll
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0209-A**

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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, Stephen W. and Catherine S. Carroll for property located at 306 Kaufman Road. The variance request is from Sections 103.3, 1A00.4, 1A04.3.B.4 (Section 1A00.3.B.3 1970 zoning regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) with a lot line setback of 42 feet in lieu of the minimum required 50 feet, and if necessary (if Kaufman Road is realigned), a street centerline setback of 72 feet in lieu of the minimum 75 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners state the building setback line was established by a future right-of-way in 1973 and no work has been started on the right-of-way since that time. Due to the layout of the home the proposed sunroom cannot be constructed elsewhere. The property is irregular in shape with the dwelling constructed toward the front portion of the lot. This property contains 1.17 acres and is served by private water and sewer.

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 February 14, 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 March, 2010 that a variance from Sections 103.3, 1A00.4, 1A04.3.B.4 (Section 1A00.3.B.3 1970 zoning regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) with a lot line setback of 42 feet in lieu of the minimum required 50 feet, and if necessary (if Kaufman Road is realigned), a street centerline setback of 72 feet in lieu of the minimum 75 feet 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.

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