

IN RE: PETITION FOR ADMIN. VARIANCE
N side of Velvet Ridge Drive; 932 feet W
of the c/l of Park Heights Avenue
3rd Election District
2nd Councilmanic District
(2310 Velvet Ridge Drive)

Howard A. and Cindy L. Cummins
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0212-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, Howard A. and Cindy L. Cummins for property located at 2310 Velvet Ridge Drive. The variance request is from Section 1B02.3.B [Section 202.4 1963 regulations] of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a rear setback of 21 feet in lieu of the required 37.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

In Case No. 2010-0151-A, Petitioners were granted zoning relief from Section 1B02.3.B [1963 regulations) and Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 36 feet in lieu of the required 50 feet for an addition. In that variance request, Petitioners wanted to replace an existing porch with a 20 feet x 24 feet one story sunroom addition. Information in the case file indicated that the proposed addition in Case No. 2010-0151-A will be approximately the same size as the screened porch that was destroyed by a tree, and the appearance of the addition will match the existing dwelling. The variance request in Case No. 2010-0151-A was granted on December 4, 2009.

In the instant matter, Petitioners desire to construct a wood deck measuring 15 feet x 51 feet at the rear (north) of the dwelling. Given the internal layout of the house there is no other practical location for a deck. If the deck were to be constructed on the west side of the addition then it would be visible from the street and would not conform to the rest of the neighborhood. The lot to the rear of the property is over 24 acres in size and is elevated in such a manner as to render the proposed deck invisible from all but a small sliver of the property. Only a small portion of the proposed deck would be visible from 2312 Velvet Ridge Drive (west) and would be obscured from the view of 2308 Velvet Ridge Drive (east) by the dwelling.

Mordechai Glazer residing at 2312 Velvet Ridge Drive submitted a letter stating that he has no objection to the proposed home improvement.

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 March 1, 2010 which indicates that the property is within the vested subdivision of Velvet Ridge and is improved with a single family dwelling. The property was the subject of a recent request for rear setback variance to allow for the construction of an addition – Case No. 2010-0151-A. The instant request is for a deck with a setback of 21 feet in lieu of the required 37.5. Due to the wooded nature of the large adjacent parcel, it does not appear that the proposed deck will have an adverse impact on the Holdridge property located at 2627 Caves Road which is located behind the subject property. As such, the Planning Office does not oppose the variance request.

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 9th day of March, 2010 that a variance from Section 1B02.3.B [Section 202.4 1963 regulations] of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a rear setback of 21 feet in lieu of the required 37.5 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