

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Anita Road; 255 feet S of the c/l
of Maxine Circle
3rd Election District
2nd Councilmanic District
(8210 Anita Road)

Craig Richard and Andrea Nusinov
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0214-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, Craig Richard and Andrea Nusinov for property located at 8210 Anita Road. The variance request is from Section 202.3 (1955 regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 5 feet minimum and 30 feet total side yard setback in lieu of the required 20 feet minimum and 50 feet total. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners propose several improvements to their dwelling and property to include a 302 square feet one-story addition, 821 square feet one-story addition, 242 square feet one-story addition, and 251 square feet covered porch, and driveway reconfiguration. The existing one-story dwelling contains 3,126 square feet and was constructed in 1962. The house does not have a garage and Petitioners desire to construct an attached garage. This proposed two-car garage is being placed on the side of the house where the kitchen/secondary entry is located. Due to the location of the existing dwelling on the lot, the remaining space is 5 feet from the property line. The addition on the south side of the house is to add a new master bathroom. This room would meet the minimum setbacks if not for the variance required on the north side of the house for the garage as it is 25 feet from the south property line.

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. Comments were received from the Office of Planning dated March 1, 2010 which indicates that the property is a lot improved with an existing single family dwelling that is on the plat of Stevenson Ridge approved under 1955 zoning regulations. The Petitioners request a side yard setback variance of 5 feet in lieu of the required 20 feet and sum of side yard setback of 30 feet in lieu of the total required of 50 feet. If granted, this would allow for the construction of a new one story garage and the reconfiguration of the driveway from a 10 foot wide driveway to a 12 foot wide semi-circular driveway. If the Petitioners demonstrate uniqueness and that there is a resulting hardship or practical difficulty and the variance is granted, Petitioners shall provide landscaping or fencing along the Finkelstein property line.

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 10th day of March, 2010 that a variance from Section 202.3 (1955 regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 5 feet minimum and 30 feet total side yard setback in lieu of the required 20 feet minimum and 50 feet total 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. Petitioners shall provide landscaping or fencing along the Finkelstein (8212 Anita Road) property line.

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