

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Southland Road; 338 feet SW
of Gwynnlake Drive
1st Election District
4th Councilmanic District
(2124 Southland Road)

Roy and Diane Poole
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0264-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, Roy and Diane Poole for property located at 2124 Southland Road. The variance request is from Sections 301.1.A and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing open projection (deck) to have a side yard setback as close as 0 foot in lieu of the required 7.5 feet; and to permit a proposed addition (sunroom) with a side yard setback as close as 0 foot in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners have an existing open projection (deck) that they wish to enclose with a sunroom which measures approximately 10 feet x 14 feet; proposed sunroom is actually smaller in size than the existing deck and will be placed on a portion of the existing deck. The sunroom would extend from the side of their home to the adjacent neighbor's mutual fence line. The sunroom will protect the Petitioners from mosquitoes and insects, provide an entertaining area during three seasons of the year and allow space for raising orchids. In addition, Petitioners submitted a letter of support from their adjacent neighbor, Patricia Schultz, who resides at 2122 Southland Road. Photographs submitted by the Petitioner depict a fence separating these properties.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments from the Office of Planning, dated April 28, 2010, indicate that their office normally requests 3-foot minimum side yard setbacks for maintenance and other such property upkeep. The comment further indicates that they have no objections based on the existing deck, support from the neighbor and the pattern of neighborhood.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 9, 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 29th day of April, 2010 that a Variance from Sections 301.1.A and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing open projection (deck) to have a side yard setback as close as 0 foot in lieu of the required 7.5 feet; and to permit a proposed

addition (sunroom) with a side yard setback as close as 0 foot in lieu of the required 10 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