

IN RE: PETITION FOR ADMIN. VARIANCE
NE side of Kahlston Road; 15 feet NW of
the c/l of Lawnhurst Road
11th Election District
5th Councilmanic District
(4112 Kahlston Road)

James A. and Janet M. Small
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0305-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, James A. and Janet M. Small for property located at 4112 Kahlston Road. The variance request is from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front addition with a setback of 22 feet in lieu of the required 35 feet front average. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition to the front of their house to increase its living area. Currently, the dwelling contains only 960 square feet for the growing family. The property contains 15,000 square feet. None of the neighbors on Kahlston Road expressed any opposition to the proposed addition.

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 June 2, 2010 and requests that the Petitioners provide elevation drawings to them prior to the Zoning Commissioner granting the subject variance. The proposal appears to be a major addition to the front façade of the subject structure.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 23, 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. If denied, Petitioners would be unable to construct a modest addition measuring 12 feet x 12 feet for the expanding family.

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 June, 2010 that a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front addition with a setback of 22 feet in lieu of the required 35 feet front average 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 submit building elevations of the proposed addition to the Office of Planning for review and approval prior to the issuance of any building permit.

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