

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Brushwood Drive, 721 feet
N of Academy Avenue
4th Election District
2nd Councilmanic District
(324 Brushwood Drive)

Rushi and Kalpana Bhatt
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0355-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, Rushi and Kalpana Bhatt for property located at 324 Brushwood Drive. The variance request is from Sections 1B01.2.C.1.b, 301.1 and 504.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) (Division II.A Single Family Detached, Comprehensive Manual of Development Policies to permit a proposed addition (sunroom) and open projection (deck) with rear yard setbacks of 16 feet, respectively, in lieu of the minimum required 30 feet and 22.5 feet, respectively, and to amend the Latest Final Development Plan for The Roland Property, Lot 1 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. The Petitioners have a rear door leading to the back yard; however this door does not have direct access to the back yard because there are no steps or deck to actually reach the back yard. The proposed deck will allow the Petitioner to access the back yard without having to walk around the entire dwelling. The proposed sunroom measures 14 feet x 14 feet and the proposed deck measures 16 feet x 14 feet. Additional living space is needed for the large family. Petitioners submitted photographs that clearly show there are other dwellings in the neighborhood with decks and sunrooms similar to that which is being proposed.

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 26, 2010 and does not oppose the request. There have been similar requests for similar additions within the Roland Property subdivision.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 27, 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 21st day of July, 2010 that an Administrative Variance from Sections 1B01.2.C.1.b, 301.1 and 504.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) (Division II.A Single Family Detached, Comprehensive Manual of Development Policies to permit a proposed addition (sunroom) and open projection (deck) with rear yard setbacks of 16 feet, respectively, in lieu of the minimum required 30 feet and 22.5 feet, respectively, and to amend the Latest Final

Development Plan for The Roland Property, Lot 1 only 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