

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E side of Langford Road; 500 feet NE		
of Stella Drive	*	ZONING COMMISSIONER
(1731 Langford Road)		
1 st Election District	*	OF
1 st Council District		
	*	BALTIMORE COUNTY
Lori A. Mahoney		
<i>Petitioner</i>	*	Case No. 2010-0359-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Lori A. Mahoney. The Petitioner requests a variance from Sections 214.1.b and 301.1.A (1955-71 B.C.Z.R.) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a rear yard setback of 30 feet in lieu of the required 37.5 feet for an open deck. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioner’s Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the layout and location of the existing dwelling thereon. Said property is an end unit of townhomes that back up to a 10 feet wide alley.

As shown on the site plan, the Petitioner desires to construct an open deck with steps measuring 16 feet x 16 feet. None of the neighbors on Langford Road expressed any opposition to the variance request. A photograph submitted with the Petition clearly shows that the Petitioner's next door neighbor enjoys a deck. 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.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection.

Pursuant to the advertisement, posting of the property, public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of July, 2010, that the Petition for Administrative Variance seeking relief from Sections 214.1.b and 301.1.A (1955-71 B.C.Z.R.) of the Baltimore County Zoning Regulations ("B.C.Z.R.") be and is hereby GRANTED, subject to the following restriction:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

WJW:pz

____SIGNED____
WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County