

**IN RE: PETITION FOR ADMIN. VARIANCE**  
E side Dennis Avenue; 128 feet NW of  
c/l Rider Avenue  
8<sup>th</sup> Election District  
2<sup>nd</sup> Councilmanic District  
**(1606 Dennis Avenue)**

John and Patricia Coulson  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2011-0003-A**

\* \* \* \* \*

**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, John and Patricia Coulson for property located at 1606 Dennis Avenue. The variance request is from Sections 1B02.3.B (1945 regulations “A” residence Zone-Section III C.4) and 401.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition to have a rear setback as close as 10 feet in lieu of the required 15 feet, and to permit a proposed detached accessory structure (garage) to be located on the side of the dwelling in lieu of the required rear. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners are proposing a number of improvements to their property including the replacement of an existing covered porch with a new porch, second floor shed roof rear addition, proposed one story rear addition (subject of this variance request), interior renovation of existing two car attached garage into living space, new covered portico, and proposed detached garage (subject of this variance request) with asphalt driveway addition. The proposed one story rear addition is a master bathroom and closet area that meets the 7 feet side yard setback, but falls shy of meeting the additional requirement of a 15 feet setback. The proposed one story detached garage would only really fit in the side yard as the rear yard is limited in size and extending the driveway to the rear would adversely affect what limited rear yard space. Keeping the garage pulled forward on

the lot will limit the amount of impervious surface. The proposed garage will sit back from the front property line similar to the dwelling and the garage actually backs up to the neighbor's rear yard line as Petitioner's lot turns the corner to the right. None of the neighbors expressed any concerns about the proposed additions. In fact, the neighbor residing at 8110 Rider Avenue and immediately adjacent to the subject property expressed her support for the variance requests. Another neighbor residing at 1609 Dennis Avenue, also expressed support for the requests. The property is triangular in shape and is located along the curve of Dennis Avenue. The dwelling was constructed on the lot so that it actually faces the curve of the street.

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 August 4, 2010 which indicates the property is improved with an existing single family dwelling and situated on a pie shaped lot. The property is within the Ruxton Riderwood Lake Roland Design Review area. The addition is approximately 12.5% of the floor area of the existing dwelling, well below the threshold requiring DRP review. Existing vegetation on the side of the property is located within a drainage and utility easement and will be retained. The Planning Office has reviewed the architectural elevation drawings prepared by Allen and Associates Architects which are acceptable and supports the requested variance as it appears the existing dwelling placement on the irregular lot constitutes a practical difficulty.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 10, 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 5<sup>th</sup> day of August, 2010 that an Administrative Variance from Sections 1B02.3.B (1945 regulations "A" residence Zone-Section III C.4) and 401.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition to have a rear setback as close as 10 feet in lieu of the required 15 feet, and to permit a proposed detached accessory structure (garage) to be located on the side of the dwelling in lieu of the required rear 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