

**IN RE: PETITION FOR ADMIN. VARIANCE**

W side of Rosetta Road; 410 feet S of  
the c/l of Smith Avenue  
3<sup>rd</sup> Election District  
2<sup>nd</sup> Councilmanic District  
**(6606 Rosetta Road)**

Elddar Rakhmimov and Tatyana Kolker  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2011-0021-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, Elddar Rakhmimov and Tatyana Kolker for property located at 6606 Rosetta Road. The variance request is from Sections 1B01.2.C.1.a and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed open projection (deck) to have a rear yard setback as close as 16 feet in lieu of the allowed 22.5 feet, and to amend the Final Development Plan of Bonnie View Estates, Phase 2, Lot 67, only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct a deck measuring 16 feet wide x 30 feet long with a landing and steps measuring 4 feet x 8 feet to access the backyard. Photographs submitted with the Petition demonstrate that all the neighbors adjacent the Petitioners’ home currently enjoy decks. These homes all have rear yards that back up to the stormwater management area. The properties for these homes have rear yards that slope down providing a walkout basement for the dwellings.

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 2, 2010 which states that the proposed deck is larger than that shown in the pattern book for Bonnie View Estates (aka Parksyde at Mount Washington). However, the lot abuts a homeowners maintenance

area, which is an open space and stormwater management area; therefore, the concerns about overcrowding are remediate. The Planning Office does not object to the requested variance in this particular case.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 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.

Administrative Variance requests for homes in the “Bonnie View Estates” subdivision are being reviewed on a case by case basis based on the size of the lot, size of the rear yards and adjacent buildings. In the subject request, the rear yard backs up to a stormwater management reservation area. The deck will not have any impact on neighbors living behind the Petitioner’s home. A number of similar size decks have been approved in the Bonnie View Estates subdivision.

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 16<sup>th</sup> day of August, 2010 that an Administrative Variance from Sections 1B01.2.C.1.a and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed open projection (deck) to have a rear yard setback as close as 16 feet in lieu of the allowed 22.5 feet, and to amend the Final Development Plan of Bonnie View Estates, Phase 2, Lot 67, 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