

IN RE: PETITION FOR ADMIN. VARIANCE
E side of Roldrew Avenue; 110 feet S of the
c/l of Willow Avenue
9th Election District
2nd Councilmanic District
(7909 Roldrew Avenue)

Sean A. and Katherine Magnusson
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0045-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, Sean A. and Katherine Magnusson for property located at 7909 Roldrew Avenue. The variance request is from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition with a 7.5 feet side yard setback and a sum of side yards of 21.5 feet in lieu of the required 10 feet and 25 feet, respectively. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct an addition onto the side of their dwelling to accommodate the growing family. Upon completion of the addition, there will be 8 feet 6 inches to the split rail fence and the property line. From the Petitioners’ split rail fence to the neighbor at 7911 Roldrew Avenue, there remains 15 feet. The most affected property owner at 7911 Roldrew Avenue did not express any concern about the addition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 8, 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 30th day of August, 2010 that an Administrative Variance from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition with a 7.5 feet side yard setback and a sum of side yards of 21.5 feet in lieu of the required 10 feet and 25 feet, respectively 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