

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Hal Circle; 300 feet S of the
c/l of Shelricle Place
3rd Election District
2nd Councilmanic District
(2406 Hal Circle)

Chaim Steinberg
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0050-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 owner of the subject property, Chaim Steinberg for property located at 2406 Hal Circle. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback of 2 feet and a rear yard setback of 20 feet in lieu of the required 8 feet and 30 feet respectively for two proposed additions. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioners need to increase the living area of their dwelling to accommodate the growing family. Due to the layout of the home and placement of the dwelling on the lot, it is impossible to construct the additions anywhere else on the lot. Petitioners propose a rear addition measuring 18 feet x 25 feet, a new deck measuring 11 feet x 28 feet and a new dining area measuring 6 feet x 25 feet. Petitioners are also remodeling certain portions of the dwelling to update their 1959 split level brick and siding dwelling. These improvements include remodeling the bathrooms and laundry rooms, an enlarged kitchen dinette area and dining room, kitchen redesign and new bedrooms. Elevation drawings were submitted with the Petition and clearly illustrate that the new vinyl siding and brick veneer are to match the existing exterior treatments. The most affected

property owner residing at 2404 Hal Circle, did not express any concern about the proposed variance request.

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 16, 2010 which indicates that if the variances are granted building materials for the additions should be consistent with those used for the existing dwelling.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 15, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.

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 2nd day of September, 2010 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback of 2 feet and a rear yard setback of

20 feet in lieu of the required 8 feet and 30 feet respectively for two proposed additions is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Building materials for the dwelling additions shall be consistent with those of the existing dwelling.

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