

IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Timberfield Lane and SW of
Lightfoot Drive
3rd Election District
2nd Councilmanic District
(3301 Timberfield Lane)

Rakhmin Khoshayev
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0052-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, Rakhmin Khoshayev for property located at 3301 Timberfield Lane. The variance request is from Sections 205.3 and 205.4 (1955-71 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition on an existing dwelling with a side yard setback of 9 feet and a rear yard setback of 10 feet in lieu of the minimum required 15 feet and 40 feet, respectively. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Due to an increase in family size, Petitioner desires to enlarge the kitchen by incorporating the existing screened porch into the kitchen and build a new screened porch next to the extended kitchen area for convenience and accessibility. The most affected property owner at 3303 Timberfield Lane did not express any concern about the proposed addition.

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 the variance would allow for a 10 feet x 30.6 feet addition to expand the existing kitchen and add a new screened porch. The front of the existing dwelling is sited at an angle creating a very shallow side and rear yard on the west/southwest side. The Planning Office

does not object to the requested variances provided building materials are consistent with those used in 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 7th day of September, 2010 that a variance from Sections 205.3 and 205.4 (1955-71 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition on an existing dwelling with a side yard setback of 9 feet and a rear yard setback of 10 feet in lieu of the minimum required 15 feet and 40 feet, respectively 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 addition 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