

IN RE: PETITION FOR ADMIN. VARIANCE

NW corner of Waterspout Court and
Baublitz Road
4th Election District
2nd Councilmanic District
(12600 Waterspout Court)

Jonathan D. and Lisa G. Kaufman
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0062-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 waterfront property, Jonathan D. and Lisa G. Kaufman for property located at 12600 Waterspout Court. The variance request is from Section 1A04.3.B.2(b) to permit a garage addition attached to the existing dwelling with a rear setback of 40 feet in lieu of the required 50 feet; and to amend the Final Development Plan of Waterspout for Lot #1 of Block 12, Section #2 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Due to the layout of the lot and where the existing house is located on the property, it would be difficult to place the proposed garage anywhere else on the property. The property contains 1.67 acres.

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 30, 2010 which indicates that the Petitioners request a variance in order to add a three car garage attached with a breezeway to the existing attached two car garage. The property is in the vested subdivision of Waterspout approved prior to the effective date of Bill 55-04 RC 5 Performance Standards. The Planning Office does not oppose the requested variance provided: 1) The addition is constructed in accordance with architectural elevation drawings dated March 2010 prepared by GBL Custom Home Design Inc.; 2) The mature evergreen trees are retained as a buffer along the

western property line and the Baublitz Road frontage. Comments were received from the Department of Environmental Protection and Resource Management dated September 8, 2010 which indicates that the proposed garage building permit application will be reviewed by Groundwater Management for well and septic setbacks.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 22, 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 13th day of September, 2010 that an Administrative Variance from Section 1A04.3.B.2(b) to permit a garage addition attached to the existing dwelling with a rear setback of 40 feet in lieu of the required 50 feet; and to amend the Final Development Plan of Waterspout for Lot #1 of Block 12, Section #2 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.
2. The addition is constructed in accordance with architectural elevation drawings dated March 2010 prepared by GBL Custom Home Design Inc.
3. The mature evergreen trees are retained as a buffer along the western property line and the Baublitz Road frontage.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Deputy
for

SIGNED
THOMAS H. BOSTWICK
Zoning Commissioner
Baltimore County

THB:pz