

IN RE: PETITION FOR ADMIN. VARIANCE
W side of Buttonwood Court; 650 feet
SW of Trumps Mill Road
14th Election District
6th Councilmanic District
(100 Buttonwood Court)

Alvin Moon Sr. and Ethel M. Moon
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0073-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, Alvin Moon Sr. and Ethel M. Moon for property located at 100 Buttonwood Court. The variance request is from Sections 1B02.3, 504 and 301 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and Comprehensive Manual of Development Policies (“C.M.D.P.”) Section V.B.6.b to permit an open projection (deck) with a rear yard setback of 5 feet and a side yard setback of 7 feet in lieu of the required 11.25 feet, respectively, and to amend the latest Final Development Plan of Dearborn formerly known as Shaker Heights for Lot 10 only. Petitioners desire to construct a deck on the rear of the home. The subject property is irregular in shape and backs up to an open space. The property to the right of the Petitioner’s dwelling is also open space. Petitioners submitted letters of support from their immediate neighbors at 102 and 104 Buttonwood Court. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 29, 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 12th day of October, 2010 that a Variance from Sections 1B02.3, 504 and 301 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and Comprehensive Manual of Development Policies (“C.M.D.P.”) Section V.B.6.b to permit an open projection (deck) with a rear yard setback of 5 feet and a side yard setback of 7 feet in lieu of the required 11.25 feet, respectively, and to amend the latest Final Development Plan of Dearborn formerly known as Shaker Heights for Lot 10 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