

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Old Joppa Road; 135 feet W
of Edgewood Road
9th Election District
5th Councilmanic District
(826 East Joppa Road)

Bruce C. and Patricia F. Frame
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0086-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, Bruce C. and Patricia F. Frame for property located at 826 East Joppa Road. The variance request is from Section 1B02.3.B. (Section 211.3 of the 1955 zoning regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed dwelling addition (glass enclosed porch/sunroom) with a side yard setback of 7 feet and sum of side yard setbacks of 15 feet in lieu of the minimum required 8 feet and 20 feet respectively. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. There is an existing porch measuring 8 feet x 25 feet that Petitioners desire to enclose with glass. The location of the proposed enclosed porch lends itself to the utilization of existing facilities without major interruptions to the existing floor plan of the house. The enclosed porch will help insulate and reduce heating bills as well as to reduce road and other ambient noises. The enclosed porch will provide a place to sit outdoors without concern for bugs or the sun’s harmful rays. Petitioner states the proposed enclosed porch will improve the overall appearance of the house. The lot size does not lend itself to any addition of adequate size without a variance. Petitioners’ dwelling was constructed in 1930 prior to the implementation of zoning

on the property. The neighbors at 828 East Joppa Road received approval in Case No. 2003-0037-A for a porch enclosure.

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 September 12, 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 1st day of October, 2010 that a variance from Section 1B02.3.B. (Section 211.3 of the 1955 zoning regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed dwelling addition (glass enclosed porch/sunroom) with a side yard setback of 7 feet and

sum of side yard setbacks of 15 feet in lieu of the minimum required 8 feet and 20 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