

IN RE: PETITION FOR ADMIN. VARIANCE
S side of Sunnyview Drive; 360 feet E of
Valley Green Court
10th Election District
3rd Councilmanic District
(33 Sunnyview Drive)

J. Robert Huber, Sr. and Eleanor J. Huber
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0089-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, J. Robert Huber, Sr. and Eleanor J. Huber for property located at 33 Sunnyview Drive. The variance request is from Section 205.3 (1955-1971 B.C.Z.R.) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback of 10 feet for a proposed addition in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. A variance is requested to reduce the side yard setback on the western property line from 15 feet to 10 feet so that the existing covered carport can be expanded and enclosed. The proposed garage would be 22 feet wide x 25 feet deep with a total enclosed area of 550 square feet. Petitioners need additional storage for a snow blower and generator. Because of the size of the carport, both items are extremely difficult to access during inclement weather and the frequent power outages in the neighborhood. The garage will also allow Petitioners to store their vehicles out of the inclement weather. Petitioners submitted letters of support from Diane and Walter Duvall residing at 31 Sunnyview Drive and C. William and Angela C. Ruth residing at 35 Sunnyview Drive.

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 18th day of October, 2010 that a variance from Section 205.3 (1955-1971 B.C.Z.R.) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback of 10 feet for a proposed addition in lieu of the required 15 feet 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