

IN RE: PETITION FOR ADMIN. VARIANCE
W side of Council Street; 325 feet N.
of Sulphur Spring Road
13th Election District
1st Councilmanic District
(5400 Council Street)

William F. Kern and Ida M. Riccobene
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0100-A**

* * * * *

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, William F. Kern and Ida M. Riccobene for property located at 5400 Council Street. The variance request is from Section 1B02.3.C.1 (1957 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback of 3.5 feet in lieu of the required 15 feet for a sunroom addition. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct a 26 feet x 10 feet sunroom on the existing deck. The location of the proposed sunroom lends itself to the utilization of existing facilities without major interruptions to the existing floor plan of the house. The sunroom will help insulate and reduce heating bills as well as to reduce road and other ambient noises. The sunroom will provide a place to sit outdoors without concern for bugs or the sun’s harmful rays. Petitioners state the proposed sunroom will improve the overall appearance of the house. The lot size does not lend itself to any addition of adequate size without a variance. Photographs submitted with the Petition clearly show that other properties in the neighborhood enjoy rear sunroom additions. The neighbor residing at 5402 Council Street did not express any concern about the proposed sunroom.

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 26, 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 19th day of October, 2010 that a variance from Section 1B02.3.C.1 (1957 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback of 3.5 feet in lieu of the required 15 feet for a sunroom addition 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