

IN RE: PETITION FOR ADMIN. VARIANCE
NE side of Blakely Avenue; 25 feet E
of the c/l of Chardel Road
11th Election District
5th Councilmanic District
(4300 Blakely Avenue)

Mark J. and Cynthia L. Carter
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0104-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, Mark J. and Cynthia L. Carter for property located at 4300 Blakely Avenue. The variance request is from Section 1B02.2.B (old Comprehensive Manual of Development Policies) to permit principal building setback between buildings of 23 feet 2 inches in the rear yard and 23 feet 3 inches in the side yard in lieu of the required 55 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a new screened in porch over the existing concrete patio. Screening in the patio area will allow Petitioners to have more usable living space with protection from inclement weather and insects. Petitioners will also enclose the basement cellar steps to keep water from entering the basement.

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 25, 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 1B02.2.B (old Comprehensive Manual of Development Policies) to permit principal building setback between buildings of 23 feet 2 inches in the rear yard and 23 feet 3 inches in the side yard in lieu of the required 55 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

