

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Locust Avenue; 495 feet E
of the c/l of Bellona Avenue
9th Election District
2nd Councilmanic District
(1503 Locust Avenue)

Steven K. and Teresa L. Wonnell
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0108-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, Steven K. and Teresa L. Wonnell for property located at 1503 Locust Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a rear 2 story addition with a side setback of 8 feet in lieu of the required 10 feet, and a sum of side yard setbacks of 20.5 feet in lieu of the required 25 feet. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners state they want to demolish the existing 10 feet x 17 feet covered back porch and construct a two story plus basement addition measuring 20 feet x 28 feet onto the rear of the dwelling. The plans calls for the addition to line up with the existing covered front porch as shown on the plat. The existing house has a clearance of only 8 feet on the east side and only 12 feet on the west side when measured from the existing front porch. The front porch is an integral part of the house as evidenced in the photograph submitted with the Petition. Petitioners propose to increase the setback on the east side to 10 feet in order to meet the zoning restrictions, but for the west side they would like to maintain the 12 feet clearance created by the existing covered porch even though the zoning currently requires a total setback of 25 feet for the east and west setbacks combined. Offsetting the addition so that it lines up with the existing front

porch will give the house a more harmonious look more in keeping with the style of the other similar houses in the vicinity. The plan gives Petitioners room inside to construct stairs leading to the main floor of the new addition downstairs to a rear, basement level exit which is important for safety reasons as well as practical reasons. Petitioners stated that this allows them to implement a more elegant interior design with fewer odd angles than we would have with a narrower addition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated October 18, 2010 which indicates that the request is to allow for the construction of a two story and basement rear addition to an existing single family dwelling. The property is within the Ruxton Riderwood Lake Roland Design Review area. Additions that are greater than 50% of the existing floor area of the dwelling must be reviewed by the Design Review Panel (DRP) at a public hearing. The Planning Office requested that the Petitioners provide a signed statement indicating the floor area of the existing dwelling, the floor area of the addition and the percentage. That information has not been provided to date. It appears that DRP review and approval is required due to the size of the addition. Since DRP actions are binding upon the hearing officer, no order should be issued until DRP review and approval occurs.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 3, 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. This Commission's approval is contingent upon the Petitioners obtaining approval from the Design Review Panel (DRP) as detailed in the ZAC comment from the Office of Planning dated October 18, 2010.

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 26th day of October, 2010 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a rear 2 story addition with a side setback of 8 feet in lieu of the required 10 feet, and a sum of side yard setbacks of 20.5 feet in lieu of the required 25 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.
2. The Petitioners shall provide to the Office of Planning a signed statement indicating the floor area of the existing dwelling, the floor area of the addition and the percentage.
3. Design Review Panel (DRP) review and approval is required due to the size of the addition.
4. Compliance with ZAC comment submitted by the Office of Planning dated October 18, 2010. A copy of this comment has been attached hereto and is made a part hereof.

5. When applying for any building permits, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

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