

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Seven Mill Lane; 250 feet S.
of Midfield Road
3rd Election District
2nd Councilmanic District
(7805 Seven Mile Lane)

Stuart B. and Paula Beth Taub
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0130-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, Stuart B. and Paula Beth Taub for property located at 7805 Seven Mile Lane. The variance request is from Section 303.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) for DR 2 zoning, to permit a front average setback of 31 feet to a Country right-of-way line in lieu of the required 42.5 feet for a proposed garage addition. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct a garage addition measuring 33 feet x 22 feet. The property is square shaped; however, the dwelling was situated and constructed at an angle toward the street. A garage addition of any reasonable size would require a variance. There is no alternative location for the proposed garage on the property.

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 amount of new paving for the driveway should be minimized and every effort should be made to retain as much of the existing screening along Seven Mile Lane as is possible.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 15, 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 5th day of November, 2010 that a variance from Section 303.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) for DR 2 zoning, to permit a front average setback of 31 feet to a Country right-of-way line in lieu of the required 42.5 feet for a proposed garage 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.

2. The amount of new paving for the driveway shall be minimized and every effort should be made to retain as much of the existing screening along Seven Mile Lane as is possible

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