

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
W side of Falls Road, 900 feet N of		
Jonathans Court	*	DEPUTY ZONING
8 th Election District		
2 nd Councilmanic District	*	COMMISSIONER
(13212 Falls Road)		
	*	FOR BALTIMORE COUNTY
Dawn M. Symonds		
<i>Petitioner</i>	*	CASE NO. 2011-0173-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Dawn M. Symonds. Petitioner requests Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve, pursuant to Sections 1A04.3.B.1.b.(1) and 1A04.3.B.2.b of the B.C.Z.R., a proposed dwelling addition (attached garage) with a side yard setback of 15 feet in lieu of the minimum required 50 feet. The subject property and requested relief are more fully described in the site plan prepared by architect Austin B. Childs, which is contained within the file.

Appearing at the public hearing in support of the requested special hearing relief was the Petitioner’s architect, Austin Childs of the Chickenranch Design Studio, who prepared the site plan and is assisting the Petitioner in the permitting process. There were no Protestants or other interested persons in attendance.

The evidence presented, by way of proffer from Mr. Childs, revealed that the property is located at 13212 Falls Road, and is zoned R.C. 5. The property is approximately one acre, and is improved with an existing dwelling of 1,542 square feet. Pursuant to B.C.Z.R. Section 1A04.3.B.2.b, a minimum of 50 feet side yard setback is required in an R.C. 5 zone, and Petitioner

is proposing to construct an attached garage which would be 15 feet from the southern property line and adjoining owner, Mary and Timothy Quin, at 13208 Falls Road. Mr. Childs explained that his client is soon to be married, and that her spouse has children and that was why she was seeking additional storage and living space.

According to the Office of Planning comment, the dwelling at the subject property was constructed in 1950s and the lot is a single lot of record which is not in an approved subdivision. As such, the Petitioner was able to seek zoning relief pursuant to B.C.Z.R. 1A04.3.B.1.b. Given the lack of opposition and the fact that the proposed addition will be expertly and tastefully designed and completed by Mr. Childs and his architectural firm, I am of the opinion that the Petitioner is entitled to the relief sought in the special hearing, and by this order I thereby approve the side yard setback of 15 feet in lieu of the required 50 feet in the R.C. 5 zone.

At the hearing, I discussed with Mr. Childs the Office of Planning's comments, particularly the requirement that the Petitioner's proposed addition must comply with the performance standards for the R.C. 5 zone as set forth in B.C.Z.R. Section 1A04. Mr. Childs indicated that he was familiar with such standards, and was aware that he would need to comply with same in connection with the garage addition project.

Finally, there is located within the file a Certificate of Publication reflecting that on December 28, 2010, an advertisement was published in *The Jeffersonian* announcing the January 11, 2011 public hearing in this matter, and the file also included a Certificate of Posting reflecting that Linda O'Keefe posted the requisite sign on the property on December 27, 2010. As such, I find that the posting and notice requirements of the B.C.Z.R. have been satisfied in this matter.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the parties, I find that Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 13th day of January, 2011 that Petitioner's request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve, pursuant to Sections 1A04.3.B.1.b.(1) and 1A04.3.B.2.b of the B.C.Z.R., a proposed dwelling addition (attached garage) with a side yard setback of 15 feet in lieu of the minimum required 50 feet be and are hereby **GRANTED** subject to the following restrictions:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to the issuance of a building permit for the dwelling addition to be constructed, the Petitioner must demonstrate to the Office of Planning satisfaction of the B.C.Z.R. Section 1A04.4 Performance Standards.
3. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

____SIGNED_____
JOHN E. BEVERUNGEN
Deputy Zoning Commissioner
for Baltimore County

Attachment

JEB:pz