

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S East of Greenspring Avenue, 10 feet		
South of c/l Baublitz Road	*	DEPUTY ZONING
4 th Election District		
2 nd Councilmanic District	*	COMMISSIONER
(12545 Greenspring Avenue)		
	*	FOR BALTIMORE COUNTY
Maureen Davis		
<i>Petitioner</i>	*	Case No. 08-523-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 owner of the subject property, Maureen Davis for property located at 12545 Greenspring Avenue. The variance request is from Section 1A04.3.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 44 foot side yard setback and 62 foot setback to the c/l of a road that connects with a collector road in lieu of the required 50 feet and 100 feet, respectively, and to determined that there is no conflict with Section 1A04.3B. of the B.C.Z.R. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner wishes to construct an addition and rebuilt garage. The lot was created prior to the implementation of the RC 5 zoning on the property. The current home is too small for the growing family. Approval of the administrative variance request is not in conflict with Section 1A04.3B. of the B.C.Z.R.

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 May 29, 2008 which indicates that architectural elevation drawings should be submitted for review and approval prior to application of any building permit.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 15, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.

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 9th day of June, 2008 that a variance from Section 1A04.3.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 44 foot side yard setback and 62 foot setback to the c/l of a road that connects with a collector road in lieu of the required 50 feet and 100 feet, respectively, and to determined that there is no conflict with Section 1A04.3B. of the Baltimore County Zoning Regulations (B.C.Z.R.) is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit 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, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Architectural elevation drawings shall be submitted to the Office of Planning for review and approval prior to the application of any building permit.

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