

IN RE: PETITION FOR ADMIN. VARIANCE
N side of Hillstead Drive; 772 feet W of the
c/l of Falls Road
3rd Election District
2nd Councilmanic District
(610 Hillstead Drive)

Dennis and Amanda Weinman
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0263-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, Dennis and Amanda Weinman for property located at 610 Hillstead Drive. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 30 foot setback to property line in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The only practical location for the proposed addition is on the east side of the existing dwelling. A well is located on the west side of the residence. The main access is located at the south side of the residence and building here would impede access to the garage. The rear of the property contains steep slopes. The neighbors residing at 606 Hillstead Drive submitted a letter of no objection to the variance request. The property contains 2.70 acres.

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 April 14, 2010 which states that the existing dwelling is located on an irregularly shaped single lot of record in an RC 5 zone. There is significant landscaping between the addition and the adjacent dwelling at 606 Hillstead Drive which is located 115 feet from the proposed addition. The Planning Office has

reviewed architectural elevation drawings for the addition prepared by Ammon, Heisler and Sachs dated 4/1/2010, which are compatible in terms of style and materials with the existing dwelling and the neighborhood. The Planning Office supports the requested variance provided it is in keeping with the aforementioned drawings.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 11, 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 27th day of April, 2010 that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 30 foot setback to property line in lieu of the required 50 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 addition shall be constructed in accordance with the architectural elevation drawings for the addition prepared by Ammon, Heisler and Sachs dated 4/1/2010.

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