

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Valleywood Court; 110 feet E of
the c/l of Timonium Road
8th Election District
3rd Councilmanic District
(11 Valleywood Court)

Mona S. Gellad and Fouad E. Gellad, Trustees
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0019-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, Mona S. Gellad and Fouad E. Gellad, Trustees for property located at 11 Valleywood Court. The variance request is from Sections 1B02.3.A.1 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 31 foot rear setback in lieu of the required 40 feet, and to amend the latest Final Development Plan for Valleywood, Section 7, Lot F only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. An existing deck measuring 16 feet x 22 feet is located at the rear of the home. The proposed addition will be constructed next to the existing deck and contain a new master bedroom. The new master bedroom on the first floor will permit the Petitioners to 'age in place' and continue to enjoy their home. This new addition will not project farther into the rear yard than the existing deck. Petitioners' dwelling was constructed farther back on the property than the adjacent homes.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The case file contains a letter written by William R. and Sylvia C. Mackey of 2110 Forest Ridge Road, expressing concern about possible runoff from the subject property. Baltimore County agencies have reviewed the proposal and none of these agencies expressed any concern over the proposed addition or the potential of runoff.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 25, 2009 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 13th day of August, 2009 that a variance from Sections 1B02.3.A.1 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 31 foot rear setback in lieu of the required 40 feet, and to amend the latest Final Development Plan for Valleywood, Section 7, Lot F only 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.

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