

IN RE: PETITION FOR ADMIN. VARIANCE
S side of Elinor Avenue; 300 feet E of the
c/l of Linda Avenue
14th Election District
6th Councilmanic District
(323 Elinor Avenue)

John J. Wamhoff III
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0350-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 owner of the subject property, John J. Wamhoff III for property located at 323 Elinor Avenue. The variance request is from Section 1B02.3.B (1955 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback of 4 feet in lieu of the required 15 feet for a proposed addition. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Currently, the home has three bedrooms and one bathroom for the family of five. The addition will contain additional bedrooms and bathrooms for the family. Photographs submitted with the Petition show a number of similar additions in the neighborhood.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 1, 2010 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 17th day of August, 2010 that a variance from Section 1B02.3.B (1955 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback of 4 feet in lieu of the required 15 feet for a proposed addition is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.

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

