

IN RE: <b>PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
S side of Chokeberry Court; 165 feet W		
of Chokeberry Road	*	ZONING COMMISSIONER
<b>(2905 Chokeberry Court)</b>		
3 <sup>rd</sup> Election District	*	OF
2 <sup>nd</sup> Council District		
	*	BALTIMORE COUNTY
Daniel Reihani and Devora Alyesh		
<i>Petitioners</i>	*	<b>Case No. 2010-0365-A</b>

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Daniel Reihani and Devora Alyesh. The Petitioners request a variance from Section 1B01.2 (1955-1963 B.C.Z.R. 211.3) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition (including a convenience/kosher kitchen) with a side yard setback of 6 feet in lieu of the required 8 feet. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioners’ Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the layout and location of the existing dwelling thereon. As shown on the site plan, the Petitioners desire to construct two additions onto their dwelling. One of the additions will measure 24 feet x 35 feet and be constructed at the rear of the dwelling. The other addition, which is the subject of this variance request, will measure 12 feet x 19 feet and be constructed on the side of the dwelling. Jewish Law requires that the Petitioners' dwelling contain two separate kitchens for religious purposes. None of the neighbors on Chokeberry Court expressed any opposition to the variance request. 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.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. Comments were received from the Office of Planning dated July 22, 2010 which indicates no opposition to the requested variance provided the dwelling remains in use as a single-family dwelling.

Pursuant to the advertisement, posting of the property, public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 2<sup>nd</sup> day of August, 2010, that the Petition for Administrative Variance seeking relief from Section 1B01.2 (1955-1963 B.C.Z.R. 211.3) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition (including a convenience/kosher kitchen) with a side yard setback of 6 feet in lieu of the required 8 feet be and is hereby GRANTED, subject to the following restriction:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The subject dwelling shall remain in use as a single-family dwelling.

WJW:pz

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SIGNED  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
of Baltimore County