

IN RE: PETITION FOR ADMIN. VARIANCE
180 feet S of Beaver Dam Road (on a private
road known as Old Mill Road)
8th Election District
3rd Councilmanic District
(13025 Beaver Dam Road)

Mary Beth Fitzpatrick
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0281-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, Mary Beth Fitzpatrick for property located at 13025 Beaver Dam Road. The variance request is from Section 103.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) [Section 1A03.4.B.4 of the 1975 Zoning Regulations Bill No. 98-75] to permit a proposed dwelling addition with a lot line setback as close as 35 feet in lieu of the minimum required 50 feet, and to amend the latest Final Development Plan for Bishops Pond, Lot 4 only. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to construct a dwelling addition measuring 13 feet x 24 feet to accommodate the growing family. Due to the home’s existing interior layout, this is the only location where the addition can be logically constructed. The existing dwelling was constructed in 1899 long before the imposition of zoning on the property. The property contains 6.82 acres and is served by private water and sewer, and is further encumbered by the 100 year floodplain, 10 feet drainage and utility easement, 10 feet stormwater right-of-way, 100 feet greenway easement, and forest buffer area.

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 April 23, 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, 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 13th day of May, 2010 that a Variance from Section 103.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) [Section 1A03.4.B.4 of the 1975 Zoning Regulations Bill No. 98-75] to permit a proposed dwelling addition with a lot line setback as close as 35 feet in lieu of the minimum required 50 feet, and to amend the latest Final Development Plan for Bishops Pond, Lot 4 only 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.

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