

IN RE: PETITION FOR ADMIN. VARIANCE
SW side of Hillside Court; 1,365 feet SW of
the c/l of Happy Hollow Road
8th Election District
2nd Councilmanic District
(17 Hillside Court)

Mohan Suntharalingam
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0296-A**

* * * * *

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, Mohan Suntharalingam for property located at 17 Hillside Court. The variance request is from Section 1A04.3.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 24 feet and a front yard setback of 40 feet in lieu of the required 50 feet each, and to amend the Final Development Plan of Hillside Hunt, Lot 8 only. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to construct a garage next to the existing garage. The proposed garage is necessary to store vehicles which are currently exposed to the elements. Petitioner states that a breezeway will attach the proposed garage to the existing garage with door to door connection. Due to the topography of the property and the layout of the dwelling, the location of the proposed garage as depicted on the site plan is the only logical area for construction. The property contains 5.1207 acres and is encumbered with a forest buffer easement and is served by private water and sewer systems.

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 May 7, 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 25th day of May, 2010 that a variance from Section 1A04.3.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 24 feet and a front yard setback of 40 feet in lieu of the required 50 feet each, and to amend the Final Development Plan of Hillside Hunt, Lot 8 only 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

THB:pz