

IN RE: PETITION FOR ADMIN. VARIANCE
NE side of Green Oak Court; 1056 feet SE.
of the c/l of Grove Road
11th Election District
6th Councilmanic District
(3724 Green Oak Court)

Jovy Vallamattam and Anu M. Joseph
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0114-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, Jovy Vallamattam and Anu M. Joseph for property located at 3724 Green Oak Court. The variance request is from Sections 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a 15 feet rear setback in lieu of the minimum required 22.5 feet, and to amend the latest Final Development for Oak Grove, Lot 13 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a deck measuring 12 feet wide x 26 feet long. A deck smaller than proposed would not be of sufficient size to allow the Petitioners to have a table, chairs and a grill on the deck. Petitioners would be unable to enjoy reasonable use of the property, suffering further practical difficulty. Photographs submitted by the Petitioners demonstrate that their neighbors enjoy similar decks. Said photographs also show that the rear of the property is heavily wooded.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 11, 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 2nd day of November, 2009 that a variance from Sections 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a 15 feet rear setback in lieu of the minimum required 22.5 feet, and to amend the latest Final Development for Oak Grove, Lot 13 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.

