

IN RE: PETITION FOR ADMIN. VARIANCE
NE side of North Wind Road; 1855 feet NW
of the c/l of Harford Road
9th Election District
3rd Councilmanic District
(2818 North Wind Road)

Thomas and Susan Esposito
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0118-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, Thomas and Susan Esposito for property located at 2818 North Wind Road. The variance request is from Sections 1B02.3.A.5 and 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 25 foot rear setback in lieu of the minimum required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an addition measuring 18 feet x 16 feet in size. The existing dwelling was constructed in 1933 prior to the current zoning regulations. Said dwelling was also situated at an angle on the property. Petitioners' growing family needs the additional living space that the proposed addition will provide.

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. A comment letter was received from Katherine Sterling who resides at 2816B North Wind Road who expressed a concern that in the future the Petitioners may request a variance for a deck and that the proposed addition should not have an egress on the rear. I will not prohibit the Petitioners from having a rear door on the proposed dwelling.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 18, 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 6th day of November, 2009 that a variance from Sections 1B02.3.A.5 and 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 25 foot rear setback in lieu of the minimum required 30 feet 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.

