

**IN RE: PETITION FOR ADMIN. VARIANCE**

E side of 49th Street; 230 feet E of the c/l  
of Germantown Street  
12<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
**(721 49<sup>th</sup> Street)**

Wendy Darnall and Brian Joseph Marshall  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2010-0067-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 owners of the subject property, Wendy Darnall and Brian Joseph Marshall for property located at 721 49<sup>th</sup> Street. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the required 10 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an addition measuring 11 feet x 30 feet onto the existing dwelling which contains approximately 840 square feet. The growing family is in need of additional living space and wish to add another bedroom and bathroom.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated September 30, 2009 which indicates that they do not oppose the proposed addition as it will be below the level of the open porch on the house at 719 49<sup>th</sup> Street due to a steep change in grade between the properties. There is an addition directly across the street that appears to be similar to what is proposed. The Petitioners shall submit elevation drawings that show architecture and materials compatible with the existing structure and a note of approve from the adjacent neighbor.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 6, 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 2<sup>nd</sup> day of October, 2009 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the required 10 feet for an addition 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.
2. The Petitioners shall submit to the Office of Planning elevation drawings that show architecture and materials compatible with the existing structure.

3. Petitioners shall also submit to the Office of Planning a note of approval from the adjacent neighbor at 719 49<sup>th</sup> Street.

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