

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Blueleaf Court; 330 feet S of
the c/l of Hunters Run Drive
8th Election District
3rd Councilmanic District
(10 Blueleaf Court)

Michael J. Demchuk, Jr.
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0071-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, Michael J. Demchuk, Jr. for property located at 10 Blueleaf Court. The variance request is as follows:

- From Sections 1B02.3.A.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit an addition with a window to property line setback of 13.5 feet and 9.5 feet respectively in lieu of the required 15 feet; and
- From Section 1B01.2.C.2(b) of the B.C.Z.R. and Section V.B.6.(c) of the C.M.D.P. to permit an addition with a side building setback of 25.5 feet in lieu of the required window to window setback of 40 feet between Lots 178 (10 Blueleaf Court) and Lot 179 (12 Blueleaf Court; and
- From Section 1B01.2.C.2(b) of the B.C.Z.R. and Section V.B.6.(c) of the C.M.D.P. to permit an addition with a side building setback of 21.5 feet in lieu of the required window to window setback of 40 feet between Lots 178 (10 Blueleaf Court) and Lot 177 (8 Blueleaf Court; and

- To amend the latest Final Development Plan for Section VII of Hunters Run aka Hunt Valley Station, Lot 178.

The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1.

The property was determined in 1994 to have special conditions peculiar to the land which would unduly restrict use the land. Petitioners purchased the property in 1995 and the property was subsequently improved with the existing residence. The proposed addition falls within the existing residence footprint and is no closer to either side yard property line or the residences on either side of Petitioners' residence. To the side and rear of the property exists a Baltimore County drainage and utility easement and the rear of the property consists of the homeowners association open space. The neighbors residing at 12 Blueleaf Court and 8 Blueleaf Court have reviewed the site plan and construction drawings for the proposed addition and support the construction of the addition as proposed.

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 September 1, 2009 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 1st day of October, 2009 that the Variances requested as follows:

- From Sections 1B02.3.A.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit an addition with a window to property line setback of 13.5 feet and 9.5 feet respectively in lieu of the required 15 feet; and
- From Section 1B01.2.C.2(b) of the B.C.Z.R. and Section V.B.6.(c) of the C.M.D.P. to permit an addition with a side building setback of 25.5 feet in lieu of the required window to window setback of 40 feet between Lots 178 (Blueleaf Court) and Lot 179 (12 Blueleaf Court; and
- From Section 1B01.2.C.2(b) of the B.C.Z.R. and Section V.B.6.(c) of the C.M.D.P. to permit an addition with a side building setback of 21.5 feet in lieu of the required window to window setback of 40 feet between Lots 178 (10 Blueleaf Court) and Lot 177 (8 Blueleaf Court; and
- To amend the latest Final Development Plan for Section VII of Hunters Run aka Hunt Valley Station, Lot 178

be and are 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