

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Greencove Circle; 30 feet N
of the c/l of Cove Point Road
15th Election District
7th Councilmanic District
(4400 Greencove Circle)

Robert H. and Patty A. Francis
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0072-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, Robert H. and Patty A. Francis for property located at 4400 Greencove Circle. The variance request is from Section 1B02.3.C.1 to permit a minimum rear yard depth of 20 feet in lieu of the minimum required rear yard depth of 30 feet for a proposed addition, and to amend the Final Development Plan of Beachwood Estates, Section 1, Phase 1, Lot 190 only, to amend the building area. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The current living space is not sufficient for the needs of the family. Due to the configuration of the lot and environmental features, any addition of appropriate size will require a variance. The neighbors residing at 4404 Greencove Circle and 4402 Greencove Circle provided letters of support for the proposed addition.

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 August 12, 2009 which indicates that the property is a corner lot with no residential use or structure to the rear. Petitioners should provide elevations that show that the addition matches the existing structure

architecturally and in exterior materials. The Planning Office does not oppose the Petitioners' request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 13, 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 5th day of October, 2009 that a variance from Section 1B02.3.C.1 to permit a minimum rear yard depth of 20 feet in lieu of the minimum required rear yard depth of 30 feet for a proposed addition, and to amend the Final Development Plan of Beachwood Estates, Section 1, Phase 1, Lot 190 only, to amend the building area 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. Petitioners shall provide elevations that show that the addition matches the existing structure architecturally and in exterior materials. Said elevation drawings shall be submitted to the Office of Planning for review and approval.

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