

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Hillsmere Road; 112 feet N of
the c/l of Kerry Road
2nd Election District
4th Councilmanic District
(3302 Hillsmere Road)

Edward and Eleanor English
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0103-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, Edward and Eleanor English for property located at 3302 Hillsmere Road. The variance request is from Section 1B02.3.A.2 (1-7-55 Section III A Residential) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition (sunroom) with a side yard setback of 3.5 feet and a covered open projection (deck) with a side yard setback of 3 feet in lieu of the minimum required 7 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a 10 foot x 12 foot patio room with a 10 foot x 8 foot covered deck on the side of the dwelling. Petitioners desire to replace an existing covered deck. There is an existing door at this location that leads to the patio room/deck. The dwelling was constructed off-center on the property and close to the left side property line. The proposed location of the patio room and covered deck is the only place on the house where the improvements can be constructed, as the rear and other side of the home contain bedrooms and bathrooms.

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 4, 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 22nd day of October, 2009 that a variance from Section 1B02.3.A.2 (1-7-55 Section III A Residential) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition (sunroom) with a side yard setback of 3.5 feet and a covered open projection (deck) with a side yard setback of 3 feet in lieu of the minimum required 7 feet, respectively 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.

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