

IN RE: PETITION FOR ADMIN. VARIANCE
S side Mill Town Court; 180 feet W of the
c/l of Bathurst Road
1st Election District
1st Councilmanic District
(5 Mill Town Court)

James P. and Janet T. Lister
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0058-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, James P. and Janet T. Lister for property located at 5 Mill Town Court. The variance request is from Section 1B02.3.B (Sections 211.3 and 211.4, 1955 B.C.Z.R.) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 5 feet and combination of side yards totaling 17 feet and a rear yard setback of 15 feet in lieu of the required 8 feet, 20 feet and 30 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a detached two car garage measuring 24 feet x 24 feet next to the existing dwelling. The property is irregularly shaped and there is no where else on the property to construct a garage. Petitioners submitted letters of support from their neighbors residing at 3 Mill Town Court, 1923 Westchester Avenue, and 7 Mill Town Court.

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 August 30, 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 16th day of September, 2009 that a variance from Section 1B02.3.B (Sections 211.3 and 211.4, 1955 B.C.Z.R.) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 5 feet and combination of side yards totaling 17 feet and a rear yard setback of 15 feet in lieu of the required 8 feet, 20 feet and 30 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