

IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Branch Street; 125 feet SW
of the c/l of Walkern Road
15th Election District
7th Councilmanic District
(1 Branch Street)

Annamaria Marzola
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0004-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 owner of the subject property, Annamaria Marzola for property located at 1 Branch Street. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition to have a side yard setback of 7 feet and a rear yard setback of 20 feet in lieu of the required 10 feet and 30 feet, respectively. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to construct an addition to contain two bedrooms and a bathroom for the growing family. The proposed addition will be ‘flush’ with the existing sidewall of the home which was constructed 7 feet from the side property line. The dwelling was constructed in 1943 prior to the imposition of zoning on the property. Petitioner points out that many neighbors have constructed additions. None of the neighbors expressed any concern with the proposed addition.

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 July 11, 2010 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, 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 5th day of August, 2010 that a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition to have a side yard setback of 7 feet and a rear yard setback of 20 feet in lieu of the required 10 feet and 30 feet, respectively is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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