

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Cedarside Drive, 188 feet W of
the c/l of Cedarcone Court
11th Election District
5th Councilmanic District
(4036 Cedarside Drive)

Timothy L. and Geraldine T. Sobus
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0118-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 owners of the subject property, Timothy L. and Geraldine T. Sobus for property located at 4036 Cedarside Drive. The variance request is from Sections 1B02.3.A, 504 and 301 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit an open projection (screen porch and open deck) with 7 feet rear setback and 6 feet side setback in lieu of the minimum required window to lot line setback of 11.25 feet and to amend the latest Final Development Plan for Cedarside Farm, Lot 34 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct a screened porch measuring 12 feet x 20 feet and an open deck measuring 14 feet x 23 feet. The lot is pie shaped and the dwelling was constructed toward the rear and western portion of the lot. Any addition of reasonable size will require a variance. A deck smaller than proposed would not be of sufficient size to allow the Petitioners to have a table, chairs and a grill on the deck. Petitioners would be unable to enjoy reasonable use of the property, suffering further practical difficulty. A color rendering of the proposed screened porch and deck and deck shows that the addition is very

attractively designed. Existing French doors will lead to the screened porch. The property contains 11,035 square feet.

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 9, 2010 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 1st day of November, 2010 that a variance from Sections 1B02.3.A, 504 and 301 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit an open projection (screen porch and open deck) with 7 feet rear setback and 6 feet side setback in lieu of the minimum required window to lot line

setback of 11.25 feet and to amend the latest Final Development Plan for Cedarside Farm, Lot 34 only 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