

**IN RE: PETITION FOR ADMIN. VARIANCE**  
N side of Westchester Avenue; 125 feet W  
of the c/l of Oella Lane  
1<sup>st</sup> Election District  
1<sup>st</sup> Councilmanic District  
**(2404 Westchester Avenue)**

Timothy and Katrina Lovell  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2011-0146-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 and Katrina Lovell for property located at 2404 Westchester Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback of 8 feet 6 inches in lieu of the required 15 feet, and a sum of side yard of 17 feet 9 inches in lieu of the required 40 feet for an addition. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct an addition onto the rear of their home to accommodate the family of 6. The existing house has only one bathroom. This existing dwelling does not currently meet the side setback requirements. Adding any type of an addition to the house would require a variance. The proposed addition cannot be added to the front or side of the house. The rear of the home is the only practical location for the proposed addition, and the rear of the home does meet the setback requirements. The proposed addition would be ‘flush’ with the sidewalls of the existing home. Petitioners home was constructed in 1940.

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 31, 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 16<sup>th</sup> day of November, 2010 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 8 feet 6 inches in lieu of the required 15 feet, and a sum of side yard of 17 feet 9 inches in lieu of the required 40 feet for an addition 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