

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Hunters Glen; 2700 feet W of
the c/l of Worthington Road
4th Election District
2nd Councilmanic District
(12423 Hunters Glen)

Charles D. and Susan K. Levine
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0067-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, Charles D. and Susan K. Levine for property located at 12423 Hunters Glen. The variance request is from Section 1B04.3.B.3 (2005) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a dwelling with a 45 foot side yard setback in lieu of the required 50 feet and to amend the latest Final Development Plan for Worthington Valley, Lot 30 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. The proposed home was designed with reading room off the master bedroom. The house was originally designed to be oriented to Hunters Glen in keeping with the orientation of the existing home adjacent at 12421 Hunters Glen. When the home was presented to the homeowner’s association for design review, Petitioners were strongly urged to orient the house on an angle toward the cul-de-sac. In the spirit of cooperation with the community and in haste to get under construction, the home was oriented as requested. In doing so, a portion of the reading room had to become a porch to fit within the building restriction limits of the development plan. Petitioners now seek a variance to enclose the porch and return that space to the reading room which is now nothing more than a closet sized space and not fit for

the purpose it was intended. The homeowner's association and its representative, McKenzie Properties, and the neighboring homeowners have been contacted and are in support of the variance request. Petitioners submitted an Affidavit of Residence to attest that they have purchased the property and will live at the subject property. The property contains 1.16 acres, is served by private water and sewer, and is located in the Worthington Valley subdivision.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated August 30, 2010 which indicates that they do not oppose the modest variance on the subject irregularly shaped lot. Comments were received from the Department of Environmental Protection and Resource Management dated September 8, 2010 which indicates that a new house building permit on well and septic will get the required review by Groundwater Management.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 21, 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 14th day of September, 2010 that an Section 1B04.3.B.3 (2005) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a dwelling with a 45 foot side yard setback in lieu of the required 50 feet and to amend the latest Final Development Plan for Worthington Valley, Lot 30 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.

Deputy
for

SIGNED
THOMAS H. BOSTWICK
Zoning Commissioner
Baltimore County

THB:pz