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IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
E/S Carolstowne Road, 790' SE of the c/l	
Bensmill Court	* ZONING COMMISSIONER
(115 Carolstowne Road)	
4 th Election District	* OF BALTIMORE COUNTY
3 rd Councilmanic District	
	* Case No. 00-391-A
Frank Marcellino, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

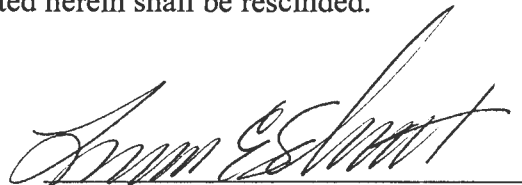
This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Frank and Colleen Marcellino. The Petitioners seek relief from Sections 1B01.2.C.1.c and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 15 feet in lieu of the minimum required 22 ½ feet for an open deck and an amendment to the Final Development Plan for Reisterstown Village to reflect the proposed improvements. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, 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 B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of April, 2000 that the Petition for Administrative Variance seeking relief from Sections 1B01.2.C.1.c and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 15 feet in lieu of the minimum required 22 ½ feet for an open deck and an amendment to the Final Development Plan for Reisterstown Village to reflect the proposed improvements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

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