

-IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E/S Lugine Avenue, 725' N		
centerline of Windsor Mill Road	*	ZONING COMMISSIONER
2nd Election District		
2nd Councilmanic District	*	OF BALTIMORE COUNTY
(3121 Lugine Avenue)		
	*	CASE NO. 03-028-A
Leonard & Edna Conigland		
<i>Petitioners</i>	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Leonard and Edna Conigland. The variance request is for property located at 3121 Lugine Avenue in the western area of Baltimore County. The variance request is from Section 1B02.3.B (211.4 old 1956 Regs.) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 19 ft. in lieu of the minimum required 30 ft. for a proposed addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, 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 26-127 (b)(1) 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 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.

8/15/02
 H. Conigland

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 Zoning Commissioner for Baltimore County, this 15th day of August, 2002, that a variance from Section 1B02.3.B (211.4 old 1956 Regs.) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 19 ft. in lieu of the minimum required 30 ft. for a proposed addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

8/15/02
R. J. G. [Signature]

