

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Cunninghamhill Cove Road, 100' +/-
centerline of Cunning Circle
15th Election District
6th Councilmanic District
(12827 Cunninghamhill Road)

Kim B. & Mark J. Bialek
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 03-146-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, Kim B. and Mark J. Bialek. The variance request is for property located at 12827 Cunninghamhill Cove Road in the Middle River area of Baltimore County. The variance request is from Section 1B02.3.B. (V.B.6.b,c CMDP) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a window to side property line setback of 7 ft. and a window to window setback of 30 ft. in lieu of the minimum required 15 ft. and 40 ft. respectively, and to amend the latest approved plan of Cunninghamhill Cove to allow a projection of an addition outside of the building envelope. 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 Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the

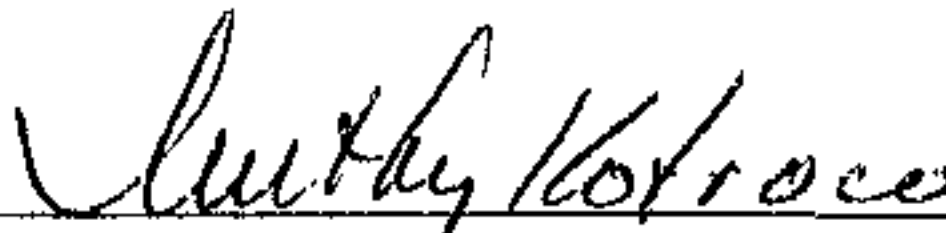
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R. J. J. J.

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 7th day of October, 2002, that a variance from Section 1B02.3.B. (V.B.6.b,c CMDP) of the B.C.Z.R., to allow a window to side property line setback of 7 ft. and a window to window setback of 30 ft. in lieu of the minimum required 15 ft. and 40 ft. respectively, and to amend the latest approved plan of Cunningham Cove to allow a projection of an addition outside of the building envelope, 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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

10/17/02
R. J. J. J.



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

October 17 2002

Mr. & Mrs. Mark J. Bialek
12827 Cunningham Cove Road
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 03-146-A
Property: 12827 Cunningham Road

Dear Mr. & Mrs. Bialek:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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