

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E/S of Walnut Avenue,, 575 ft. +/-		
S/E of Campfield/Bedford Road	*	DEPUTY ZONING COMMISSIONER
3rd Election District		
2nd Councilmanic District	*	OF BALTIMORE COUNTY
(7123 Walnut Avenue)		
	*	CASE NO. 05-144-A
Wolf F. Dunaway		
Petitioner	*	

* * * * *

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 owner of the subject property, Wolf F. Dunaway. The variance request is for property located at 7123 Walnut Avenue in the "Campfield" area of Baltimore County. The variance request is from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 25 ft. for an addition in lieu of the required front average of 30 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 23, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 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 Petitioner.

NOTED RECEIVED FOR FILING

10/19/04

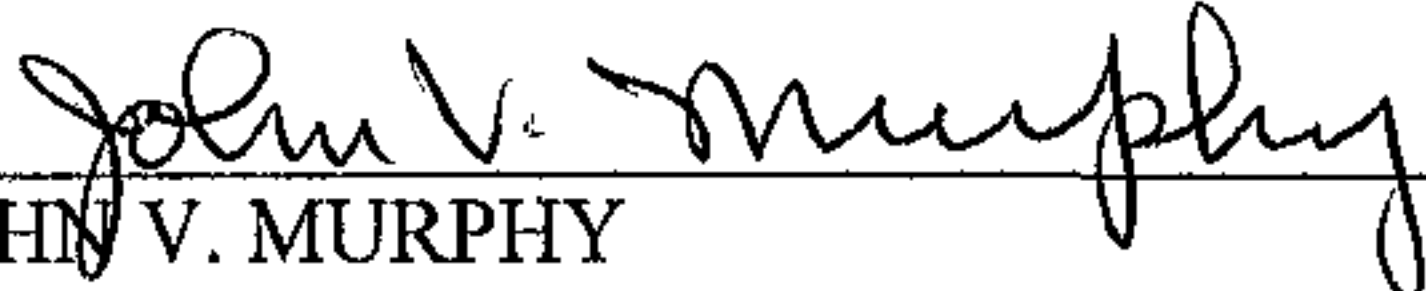
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Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 19 day of October, 2004, that a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 25 ft. for an addition in lieu of the required front average of 30 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with any recommendations, if any, made by the Department of Environmental Protection & Resource Management (DEPRM).
3. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

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Date 10/19/04
By J. Ray

