

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Gwynnbrook Avenue, 35 ft. NE
centerline of Byway Road
4th Election District
2nd Councilmanic District
(201 Gwynnbrook Avenue)

Theresa W. & Christopher Gillis
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO. 05-500-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, Theresa W. and Christopher Gillis. The variance request is for property located at 201 Gwynnbrook Avenue in the Owings Mills area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing detached garage to be located in a side yard of a proposed dwelling in lieu of rear yard and to amend the previously approved hearing and plans in Case Nos. 97-49-A and 97-151-A. 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 on April 10, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of Development Plans Review dated April 8, 2005, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was received from the Office of Planning dated April 19, 2005, a copy of which is attached hereto and made a part hereof and which requested the

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Petitioner revise the Plat to Accompany. A revised ZAC comment was received from the Office of Planning dated June 17, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

The Petitioners revised the elevation to reflect the landscape material providing screening on both front and back portions of the property, and submitted same to the Office of Planning who in turn recommended approval of the revised Plat marked as Petitioners' Exhibit 2.

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.

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Zoning Commissioner

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Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

June 20, 2005

Mr. & Mrs. Christopher Gillis
201 Gwynnbrook Avenue
Owings Mills, Maryland 21117

Re: Petition for Administrative Variance
Case No. 05-500-A
Property: 201 Gwynnbrook Avenue

Dear Mr. & Mrs. Gillis:

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 that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info



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