

IN RE: PETITION FOR ADMIN. VARIANCE

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BEFORE THE

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ZONING COMMISSIONER

9th Election District

3rd Councilmanic District

(121 Othoridge Road)

*

OF BALTIMORE COUNTY

*

CASE NO. 06-531-AV

Thaddeus & Patricia Dobry

Petitioners

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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, Thaddeus and Patricia Dobry. The variance request is for property located at 121 Othoridge in the Orchard Hills subdivision of Baltimore County. The variance request is from Section III.C.3 (1953-1955 B.C.Z.R.) of the Baltimore County Zoning Regulations to permit a side yard setback of three feet in lieu of the required minimum 10 foot side yard setback for a proposed patio room addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance. The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 7, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Upon review of the request, a question arose as to why the proposed addition could not have been made to the other side of the home which from Petitioner's exhibit 1 would not require a variance. A letter to that effect was sent to the Petitioner on May 26, 2006. In response the Petitioner sent a letter dated June 5, 2006 which explained that there was no viable access to addition from the existing house if erected on the other side of the house. In addition there already is a door leading to a deck on this side of the house.

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

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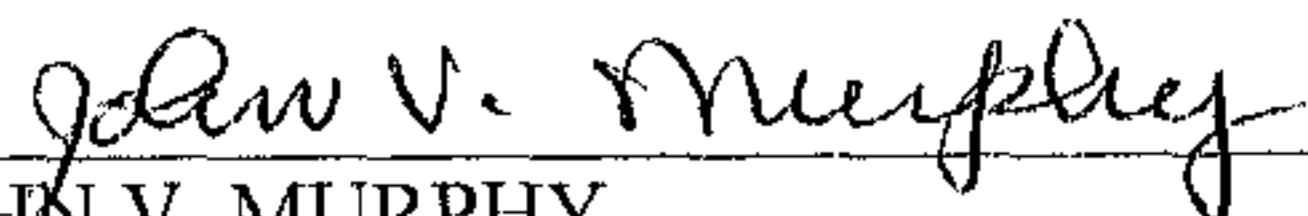
to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information and affidavits submitted provide sufficient facts that comply with the requirements of Section 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 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 8th day of June 2006, that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with patio room addition to have a property line setback of three feet in lieu of the required 10 foot minimum side yard setback, 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.

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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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 8, 2006

MR. AND MRS. THADDEUS DOBRY
121 OTHORIDGE ROAD
BALTIMORE MD 21083

Re: Petition for Administrative Variance
Case No. 06-531-AV
Property: 121 Othoridge Road

Dear Mr. and Mrs. Dobry:

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

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Enclosure

Zoning Description for 121 Othoridge Rd.

Beginning at a point on the South side of authoring Road. which is 60 ft. wide at the distance of 426 ft. east of the centerline of the nearest improved intersecting street Westbury Road which is 50 ft. wide. *Being lot #9, Block# 2 Section# 1 in the subdivision of Orchard Hills as recorded in the Baltimore county Plat Book #20, Folio #140, containing 7,810 sq. ft. Also known as 121 Othoridge Road. and located in the 9th election district, ~~2nd~~ Councilmanic District.

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