

IN RE: PETITION FOR ADMIN. VARIANCE

W side Sollers Point Road, 920 feet N of c/l
of Yorkway Drive
12th Election District
7th Councilmanic District
(3430 Sollers Point Road)

Earl and Constance Gibson
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0236-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, Earl and Constance Gibson for property located at 3430 Sollers Point Road. The variance request is from Sections 1B02.3.c.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a landing and steps to be 6.5 feet from the side property line in lieu of the required 7.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct the landing and steps as an emergency exit in the event of a fire. Their daughter will use the steps for egress and ingress to the dwelling without disturbing the rest of the family. She works various shifts and comes and goes at different times of the day and night.

The property was the subject of previous Administrative Variance request in Case No. 2009-0050-A. In that case, Petitioners requested a proposed second story addition to have a front yard setback of 27 feet in lieu of the required front yard average of 30 feet. Case No. 2009-0050-A was granted with conditions on October 3, 2008. Petitioners now come before this Zoning Commissioner seeking additional relief from the required setbacks.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 31, 2009

~~RECEIVED FOR FILING~~
4-20-09
m

which observes that the house appears to have been recently modified. In terms of compatibility the shutters still need to be put on the front windows and debris, construction materials and tools (ladders, etc.) are still scattered around the front and rear yards. A scaffold is standing against the house at the location of the proposed landing and staircase. Children's toys are intermingled with the other contents of the site. All these should be removed or stored as a condition of the proposal being granted. Landscaping should be placed along the side property line of sufficient length and height to screen the proposed staircase. The house should remain a single family dwelling and no apartment may be permitted. The property is within the Chesapeake Bay Critical Area; however the Department of Environmental Protection and Resource Management did not have any comments on this variance request.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 22, 2009 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 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 Petitioner. Photographs submitted by the Petitioners indicate that the second story addition is constructed. I will allow the outside landing and stairs, which are the subject of this variance request, as a additional means of escape in the event of a fire. The approval of this variance request does not

4.20.09
m

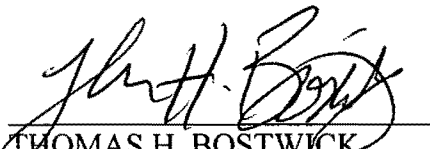
allow or permit the second floor of the dwelling to be used as a separate apartment or dwelling unit in the future.

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 20th day of April, 2009 that a variance from Sections 1B02.3.c.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a landing and steps to be 6.5 feet from the side property line in lieu of the required 7.5 feet is hereby GRANTED, subject to the following:

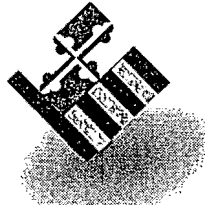
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Landscaping shall be placed along the side property line of sufficient length and height to screen the proposed staircase.
3. The house shall remain a single family dwelling and no apartment is permitted.
4. All debris, construction materials and tools (such as ladders, etc.) are to be removed from the front and rear yards.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

~~RECEIVED FOR FILE~~
4-20-09
pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 20, 2009

EARL AND CONSTANCE GIBSON
3430 SOLLERS POINT ROAD
BALTIMORE MD 21222

Re: Petition for Administrative Variance
Case No. 2009-0236-A
Property: 3430 Sollers Point Road

Dear Mr. and Mrs. Gibson:

Enclosed please find the decision rendered in the above-captioned case.

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, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3430 Sollers Pt. Rd.
which is presently zoned 21222

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1302.3.C.1 & 301.1; BCZR,

To permit a landing and steps to be 6.5 ft, feet from side property line in lieu of the required 7.5 ~~ft.~~ ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Earl Gibson

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Constance Gibson

Name

Address

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2009-0236-A

Reviewed By Jum

Date

3.11.09

REV 10/25/01

Estimated Posting Date

3.22.09

4.20.09

m

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

3430 Sollers Pt. Rd.
Address
Baltimore Md. 21222
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The outside steps (Entry) are being put up for the following reasons:

- ① for emergency exit (in case of fire)
- ② My daughter works different shifts and comes in at various times of the day and night + will not be disturbing the rest of the house.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Earl Gibson
Signature

Earl Gibson
Name - Type or Print

Constance Gibson
Signature

Constance Gibson
Name - Type or Print

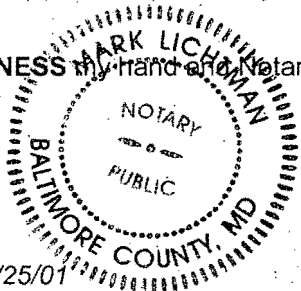
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of March 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

CONSTANCE GIBSON EARL GIBSON

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Mark Lichman
Notary Public

My Commission Expires

09/01/09

ZONING DESCRIPTION

Beginning at a point on the west side of Sellers Point Road, which has a right-of-way width of 50 feet, at the distance of 920 feet north of the centerline of the nearest improved intersecting street Yorkway Drive, which has a right-of-way width of 50 feet. Being lot #16, Block 4 in the subdivision of Dundalk as recorded in Baltimore County Plat Book #14, Folio #8, containing 5665 square feet. Also known as 3430 Sellers Point Road and located in the 12th Election District, 7th Councilmanic District.

Item # 0050

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **35078**

Date: **3.11.09**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	For	6300		1120					65.00

Total: **65.00**

Rec From: **L. GIBSON**

For: **2-69-1031-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: 2009-0236-X

Petitioner/Developer: _____

Earl Gibson.

Date of Hearing/closing April 8, 2009

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn : Kristin Matthews

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at .

3430 Sollers Point Rd.

The sign(s) were posted on _____ March 22, 2009
(Month, Day, Year)

Sincerely,

Robert Black 3-24-09
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE #2009-0236A

TO PERMIT A LANDING AND STEPS TO BE 6.5 FT FROM THE
PROPERTY LINE IN LIEU OF THE REQUIRED 7.5 FT

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON 4-8-09

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 887-3391

FOR MORE INFORMATION, VISIT OUR WEBSITE: WWW.BALTIMORECOUNTY.MD OR CALL US AT 887-3391. WE ARE OPEN 9:00 AM TO 5:00 PM, MON. - FRI.

WEETING IS HANDICAP ACCESSIBLE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0236 -A Address 3430 Sellers PT. Rd.

Contact Person: J. McPHEE Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3-11-09 Posting Date: 3-22 Closing Date: 4-6

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

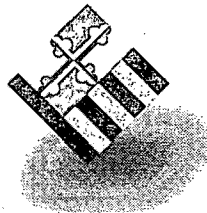
Case Number 2009- 0236 -A Address 3430 Sellers PT. Rd.

Petitioner's Name EARL GIBSON Telephone 410-282-6754

Posting Date: 3/22 Closing Date: 4/6

Wording for Sign: To Permit A LANDING AND STEPS TO BE
6.5 ft from the Property Line in Lieu of
The Required 7.5 ft.

Spoke w/ MR. JOHNSON Johnson Re: change WCR - Revised 7/7/08



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
April 7, 2009

Earl & Constance Gibson
3430 Soller Point Rd.
Baltimore, MD 21222

Dear: Earl & Constance Gibson

RE: Case Number 2009-0236-A, 3430 Soller Point Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 11, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

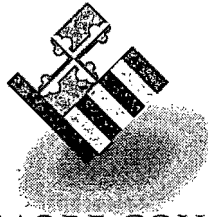
A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 18, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 16, 2009

Item Numbers 0223, 0224, 0230, 0235 and 0236

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 3/23/2009

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No 2009-0236-A
3430 SOLLERS POINT RD
GIBSON PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0236-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: March 31, 2009

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 3430 Sollers Point Road

RECEIVED

INFORMATION:

MAR 31 2009

Item Number: 9-236

Petitioner: Earl and Constance Gibson

ZONING COMMISSIONER

Zoning: DR 5.5

Requested Action: Administrative Variance

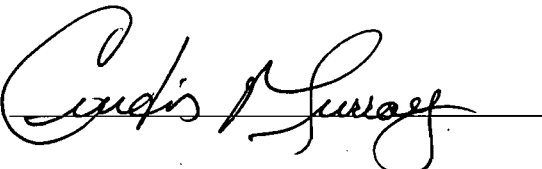
SUMMARY OF RECOMMENDATIONS:

The subject house appears to have been recently modified. In terms of compatibility the shutters still need to be put on the front windows, and debris, construction materials and tools (ladders, etc.), are still scattered around the front and rear yards. A scaffold is standing against the house at the location of the proposed landing and staircase. Children's toys are intermingled with the other contents of the site. All these should be removed or stored as a condition of the proposal being granted.

Landscaping should be placed along the side property line of sufficient length and height to screen the proposed staircase.

The house should remain a single-family dwelling. No second apartment may be permitted.

For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by: 

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 13 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: April 9, 2009
SUBJECT: Zoning Item # 09-236-A
Address 3430 Sollers Point Road
(Gibson Property)

Zoning Advisory Committee Meeting of March 16, 2009

 X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

 The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Additional Comments:

Reviewer: Regina Esslinger

Date: April 9, 2009

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: March 20, 2009

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SIGNED: Dennis A. Kennedy

SUBJECT: Zoning Advisory Committee Meeting
For March 23, 2009
Item Nos. 2009-0153, 0223, 0224, 0230,
0235, and 0236

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:lrk
cc: File
ZAC-03232009 -NO COMMENTS

Patricia Zook - Case 2009-0236-A for 3430 Sollers Point Road – DEPRM comments needed?

From: Patricia Zook
To: Livingston, Jeffrey
Date: 4/8/2009 11:38 AM
Subject: Case 2009-0236-A for 3430 Sollers Point Road – DEPRM comments needed?

Hello Jeff -

Please review the description and location for case 2009-0236-A. The case file for 2009-0050-A (previous case) was marked as CBCA and we received DEPRM comments. However, the case file for 2009-0236-A (current case) was not marked as CBCA. Does your office have any comment for case 2009-0236-A? If the DEPRM comments are the same, just let me know and I can incorporate that into the Order.

CASE NUMBER: 2009-0236-A *****
3430 Sollers Point Road
Location: W side of Sollers Point Road, 920 feet N of the c/l of York Way Drive.
12th Election District, 7th Councilmanic District
Legal Owner: Earl and Constance Gibson
Closing Date: 4/6/2009

ADMINISTRATIVE VARIANCE to permit a landing and steps to be 6.5 feet from the side property line in lieu of the required 7.5 feet.

****see previous case below:

CASE NO. 2009-0050-A *****
3430 Sollers Point Road
Location: W side Sollers Point Road, 920 feet N of c/l of Yorkway Drive
12th Election District, 7th Councilmanic District
Owners: Earl and Constance Gibson
Closing Date: 9-15-08 (according to front of file)

ADMINISTRATIVE VARIANCE to permit a proposed second story addition to have a front yard setback of 27 feet in lieu of the required front yard average of 30 feet.

Thanks for checking into this for us.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

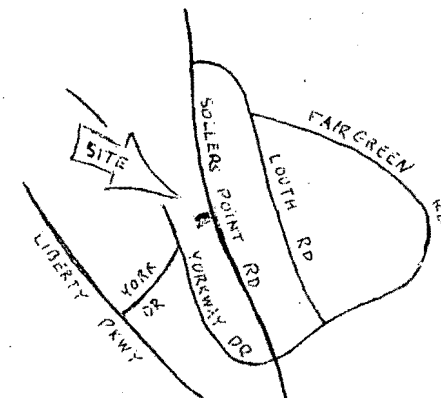
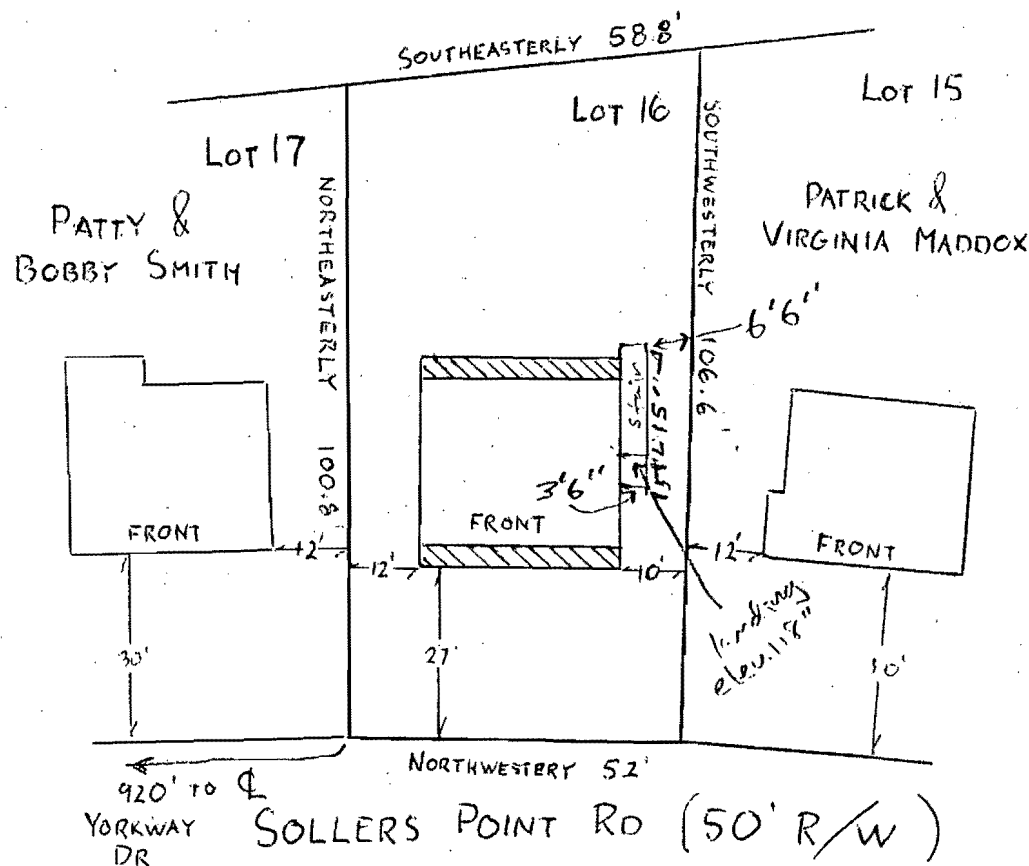
PROPERTY ADDRESS 3430 SOLLERS PT RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME DUNDALK

TAX # 12 02 020 260

PLAT BOOK # 14 FOLIO # 8 LOT # 16 SECTION # N/A BLOCK 4

OWNER EARL & CONSTANCE GIBSON



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 12th

COUNCILMANIC DISTRICT 7th

1" = 200' SCALE MAP # 110C1

ZONING DR 5.5

LOT SIZE
ACREAGE 5665
SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

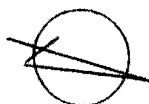
	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING

2009-0050-1A

ZONING OFFICE USE ONLY

REVIEWED BY KID ITEM # 1 CASE # 1



NORTH

PREPARED BY _____

SCALE OF DRAWING: 1" = 30'

IN RE: PETITION FOR ADMIN. VARIANCE

W side Sollers Point Road, 920 feet N of c/l
of Yorkway Drive
12th Election District
7th Councilmanic District
(3430 Sollers Point Road)

Earl and Constance Gibson
Petitioners

* BEFORE THE *previous order*
* DEPUTY ZONING
* COMMISSIONER
* FOR-BALTIMORE-COUNTY
* **Case No. 2009-0050-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, Earl and Constance Gibson for property located at 3430 Sollers Point Road. The variance request is from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed second story addition to have a front yard setback of 27 feet in lieu of the required front yard average of 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners need to construct a second story addition to their home to accommodate the growing family.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated September 30, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located within an Intensely Developed Area of the C.B.C.A. Mitigation may be required for the amount of proposed lot coverage. This mitigation may be in the form of tree planting and/or paying a fee-in-lieu amount to Baltimore County.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 31, 2008 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 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 Petitioner.

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 3rd day of October, 2008 that a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed second story addition to have a front yard setback of 27 feet in lieu of the required front yard average of 30 feet is hereby GRANTED, subject to the following:

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.
2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).

3. The property is located within an Intensely Developed Area of the C.B.C.A. Mitigation may be required for the amount of proposed lot coverage. This mitigation may be in the form of tree planting and/or paying a fee-in-lieu amount to Baltimore County.

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

THB:pz

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County



