

IN RE: PETITION FOR ADMIN. VARIANCE
SW side of Ivy Brook Farm Court, 608 feet
W of the c/l of Falls Road
8th Election District
2nd Councilmanic District
(5 Ivy Brook Farm Court)

Francis Darby and Suzanne L. Boyle
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0367-A**

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Francis Darby and Suzanne L. Boyle for property located at 5 Ivy Brook Farm Court. The variance request is from Section 1A04.3.B.3 (1991) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition (sunroom) with a 36 foot side yard setback in lieu of the required 50 feet, and to amend the latest Final Development Plan for Ivy Brook Farm, Lot 4 only. The subject property and requested relief are more particularly described on the site plan submitted with the Petition. Petitioners desire to construct a one story, four season sunroom measuring 20 feet x 19 feet. The proposed sunroom is next to a two story bedroom that is connected to the dwelling via an enclosed walkway. The sunroom will provide additional one story living space for the family as the owners age. In the event that in-laws must move in with the Petitioners, this additional living space will be essential. The property contains 3.8295 acres zoned RC 5.

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 Sustainability dated July 8, 2011, that indicate development of the property must comply with

the Regulations for the Protection of Water Quality, Streams and Wetlands. The Forest Buffer Easement will be reviewed for compliance with Baltimore County Code Section 33-3-112 prior to building permit approval. Any proposed building permit(s) for the addition will be reviewed by Groundwater Management.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 1, 2011, 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 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. The information, photographs, and affidavits submitted provide sufficient facts indicating compliance 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, this ___29th___ day of July, 2011, that a variance from Section 1A04.3.B.3 (1991) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition (sunroom) with a 36 foot side yard setback in lieu of the required 50 feet, and to amend the latest Final Development Plan for Ivy Brook Farm, Lot 4 only, be and 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 the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
3. The Forest Buffer Easement will be reviewed for compliance with Section 33-3-112 prior to building permit approval.
4. Any proposed building permit(s) for the addition will be reviewed by Groundwater Management.
5. When applying for any permits, the site plan filed 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.

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz