

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
N side Woodberry Place, 30 feet E of		
c/l Jericho Road	*	OFFICE OF
11 <sup>th</sup> Election District		
5 <sup>th</sup> Councilmanic District	*	ADMINISTRATIVE HEARINGS
<b>(11902 Woodberry Place)</b>	*	FOR BALTIMORE COUNTY
Danaiel W. and Angela A. Risley		
<i>Petitioners</i>	*	<b>Case No. 2011-0193-A</b>

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Danaiel and Angela Risley for property located at 11902 Woodberry Place. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition with a side setback of 10 feet and 51 feet to the centerline of a street in lieu of the required 50 feet and 75 feet, respectively. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct a two story addition measuring 15 feet x 18 feet onto the east side of the dwelling. The roof pitch and window placement will architecturally match those of the existing home. Petitioners’ existing dwelling was constructed in 1851 long prior to the imposition of zoning on the property. The case file contains a list of nine adjacent property owners who are supportive of the proposed variance request.

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 January 13, 2011 which indicates that the Office does not oppose the requested variance and concurs with the Landmarks Preservation Commission’s Certificate of Appropriateness dated November 12, 2010.

At its November 9, 2010 meeting the Baltimore County Landmarks Preservation Commission approved various improvements to the Petitioners' dwelling.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 24, 2010 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. In the opinion of the Administrative Law Judge, 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. Petitioners are made aware, however, that they will be required to deal with any potential runoff emanating from the awning and may be required to provide the necessary gutters.

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 Administrative Law Judge for Baltimore County, this 25<sup>th</sup> day of January, 2011 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition with a side setback of 10 feet and 51 feet to the centerline of a street in lieu of the required 50 feet and 75 feet, respectively 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.

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

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SIGNED  
TIMOTHY M. KOTROCO  
Administrative Law Judge  
for Baltimore County

TMK/pz