

<p>IN RE: PETITION FOR ADMIN. VARIANCE S side of Ridgeborne Avenue, 166.29 feet E of Ridge Road 14th Election District 6th Councilmanic District (6500 Ridegeborne Drive)</p> <p>Sarah Bagley <i>Petitioner</i></p>	<p>* * * * *</p>	<p>BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY</p> <p>Case No. 2011-0349-A</p>
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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owner of the subject waterfront property, Sarah Bagley for property located at 6500 Ridegeborne Drive. The variance request is from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a rear yard setback to a deck of 23 feet in lieu of the required 26.25 feet, and to amend the Deerborne Final Development Plan, Lot #153 only. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to construct a deck measuring 12 feet x 14 feet. There is no exit from the main floor of the dwelling to the rear yard. Photographs submitted by the Petitioner clearly show that virtually every townhome in the area already enjoys a deck.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 11, 2011, 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 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 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 Administrative Law Judge for Baltimore County, this 13 day of July, 2011 that a variance from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a rear yard setback to a deck of 23 feet in lieu of the required 26.25 feet, and to amend the Deerborne Final Development Plan, Lot #153 only be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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.

Signed
LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

