

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(11 Birchbrook Court)</b>		
11 <sup>th</sup> Election District	*	OFFICE OF ADMINISTRATIVE
5 <sup>th</sup> Council District		
Waddell L. & Janese K. Daniels	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2021-0142-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Waddell L. and Janese K. Daniels (“Petitioners”). The Petitioners are requesting Variance relief pursuant to Baltimore County Zoning Regulations (“BZCR”) §§ 1B02.3.B and 301 (1977 Regulations) to permit a rear yard dwelling addition with a window to property line setback of 7 ft. in lieu of the required 15 ft., and to permit a rear yard open projection (deck) with a rear setback of 7 ft. in lieu of the required 11.25 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 15, 2021, 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 § 32-3-303 of the BCC. 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 to comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioners.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 7<sup>th</sup> day of **June, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulations (“BZCR”) §§ 1B02.3.B and 301 (1977 Regulations) to permit a rear yard dwelling addition with a window to property line setback of 7 ft. in lieu of the required 15 ft., and to permit a rear yard open projection (deck) with a rear setback of 7 ft. in lieu of the required 11.25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits 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, 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  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM:dlw