

**IN RE: PETITION FOR ADMIN. VARIANCE**

NE side of Falls Road, 59 feet SE of  
Gardman Avenue  
9<sup>th</sup> Election District  
2<sup>nd</sup> Councilmanic District  
**(6207 Falls Road)**

Douglas K. Woodward and Elissa F. Borges  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0001-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, Douglas K. Woodward and Elissa F. Borges for property located at 6207 Falls Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling addition with a sum of side yard setbacks of 44 feet in lieu of the minimum required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a two-story addition onto the north side of their home. Their parents are in poor health and it is likely that one of them will have to move in with the family. The addition will contain a guest room, bathroom and family room on the first floor. The subject property is rectangular in shape with slopes in the front yard and rear yard. Based on the current design of the home and the narrowness and topography of the property, it would be extremely difficult to construct an addition on either the rear or front of the house. It would be almost impossible to construct the proposed addition onto the south side of the house. Therefore, the only practical location for the addition is on the north side of the existing house. The dwelling was constructed in 1873 long before the imposition of zoning on the property. The addition will architecturally complement the 19<sup>th</sup> century Victorian farmhouse.

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 July 20, 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 19<sup>th</sup> day of August, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling addition with a sum of side yard setbacks of 44 feet in lieu of the minimum required 50 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.

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

\_\_\_SIGNED\_\_\_\_\_

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz