

IN RE: PETITION FOR ADMIN. VARIANCE
NE corner of Ridgeleigh Road and Wardman
Road intersection
9th Election District
5th Councilmanic District
(800 Ridgeleigh Road)

Albert S. Jun and Susie N. Chung
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0338-A**

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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, Albert S. Jun and Susie N. Chung for property located at 800 Ridgeleigh Road. The variance request is from Sections 1B02.3.C.1 and 300.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling addition with setback as close as 6 feet front and sides and 10 feet to rear lot lines in lieu of the required 25 feet, 10 feet and 30 feet respectively; and to allow a front porch (open provection) with a front setback of 18 feet in lieu of 18 feet 9 inches. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The front door of the dwelling and the garage entry face Tred Avon Road. The dwelling is on a corner lot and there is no opportunity to add additional living space on either of the two street sides which leaves the back and left sides of the dwelling as the only viable options. An existing detached garage will be demolished to allow the proposed addition.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 5, 2009 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 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 Petitioners.

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 29th day of July, 2009 that a variance from Sections 1B02.3.C.1 and 300.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling addition with setback as close as 6 feet front and sides and 10 feet to rear lot lines in lieu of the required 25 feet, 10 feet and 30 feet respectively; and to allow a front porch (open provection) with a front setback of 18 feet in lieu of 18 feet 9 inches 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