

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
NW side of Quaker Court, 600 feet NW		
of the c/l of Quaker Bottom Road	*	OFFICE OF
8 <sup>th</sup> Election District		
3 <sup>rd</sup> Councilmanic District	*	ADMINISTRATIVE HEARINGS
<b>(8 A Quaker Circle)</b>	*	FOR BALTIMORE COUNTY
Christopher R. and Rebecca F. Dempsey	*	<b>Case No. 2011-0305-A</b>
<i>Petitioners</i>		

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Christopher R. and Rebecca F. Dempsey for property located at 8 A Quaker Circle. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition to have a side yard setback of 46½ feet in lieu of the required 50 feet, and to amend the Final Development Plan of Quaker Hills, Section 2, Lot 11, only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners require additional living space to accommodate the growing family. An expansion on the east side of the dwelling provides the only architecturally and economically feasible solution. The property contains 6.462 acres zoned RC 7 and is served by private well and septic. The grade, topography, utilities and configuration of the existing structure on the site prohibit the ability for expansion on any other side of the dwelling.

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 April 15, 2011, 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.

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 12 day of May, 2011 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition to have a side yard setback of 46½ feet in lieu of the required 50 feet, and to amend the Final Development Plan of Quaker Hills, Section 2, Lot 11, only 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