

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
N side of Chapel Ridge Road, 90 feet		
N of Chapel Ridge Road	*	OFFICE OF
8 <sup>th</sup> Election District		
2 <sup>nd</sup> Councilmanic District	*	ADMINISTRATIVE HEARINGS
<b>(750 Chapel Ridge Road)</b>	*	FOR BALTIMORE COUNTY
Suhair Alkhatiband and Maha Barazanji	*	<b>Case No. 2011-0365-A</b>
<i>Petitioner</i>		

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Suhair Alkhatiband and Maha Barazanji for property located at 750 Chapel Ridge Road. The variance request is from Section 1A04.2.b of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback of 40 feet in lieu of the required 50 feet for an addition, and to amend the Final Development Plan of Chapel Wood, Lot #5 only. The subject property and requested relief are more particularly described on the site plan submitted with the Petition. Petitioners desire to construct a small addition measuring 12 feet x 12 feet in size to contain a bedroom and bathroom for a mother-in-law. The proposed addition will allow her to remain on the first floor of the dwelling. The addition is on the north side of the outside stairs leading to the basement. The property contains 1.0100 acres zoned RC 5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A comment was received from the Department of Environmental Protection and Sustainability dated July 1, 2011, that indicates any proposed building permit(s) for addition(s) will be reviewed by Groundwater Management.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 3, 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. The information, photographs, and affidavits submitted provide sufficient facts indicating compliance 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, this \_\_\_4th\_\_\_ day of August, 2011, that a variance from Section 1A04.2.b of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side yard setback of 40 feet in lieu of the required 50 feet for an addition, and to amend the Final Development Plan of Chapel Wood, Lot #5 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.
2. Any proposed building permit(s) for addition(s) will be reviewed by Groundwater Management Division of Department of Environmental Protection and Sustainability.

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

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Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB/pz