

**IN RE: PETITION FOR ADMIN. VARIANCE**  
NW side of Dee Way, 220 feet W of the c/l  
of Wampler Road  
15<sup>th</sup> Election District  
6<sup>th</sup> Councilmanic District  
**(9816 Dee Way)**

Shannon and Dave Parsram  
*Petitioners*

\* BEFORE THE  
\* OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2012-0006-A**

\* \* \* \* \*

**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, Shannon and Dave Parsram for property located at 9816 Dee Way. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition (enclosing of an existing deck) to have a rear yard setback of 25 feet in lieu of the required 30 feet, and to amend the Final Development Plan of Wampler Woods, Lot #5 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to enclose the existing deck which measures 10 feet x 28 feet. The location of the proposed addition lends itself to the utilization of existing facilities without major interruptions to the existing floor plan of the house. The enclosed deck will help insulate and reduce heating bills as well as to reduce road and other ambient noises. The enclosed deck will provide a place to sit outdoors without concern for bugs or mosquitoes or the sun’s harmful rays. Petitioners states the proposed addition will improve the overall appearance of the house.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 17, 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   10   day of August, 2011 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed addition (enclosing of an existing deck) to have a rear yard setback of 25 feet in lieu of the required 30 feet, and to amend the Final Development Plan of Wampler Woods, 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.

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