

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
W side of Dubbs Road, 2420 feet +/- E		
of c/l of Yeoho Road	*	DEPUTY ZONING
5 <sup>th</sup> Election District		
3 <sup>rd</sup> Councilmanic District	*	COMMISSIONER
<b>(16510 Dubbs Road)</b>		
	*	FOR BALTIMORE COUNTY
Neal Rumley		
<i>Petitioner</i>	*	<b>Case No. 2009-0057-A</b>

\* \* \* \* \*

**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 owner of the subject property, Neal Rumley for property located at 16510 Dubbs Road. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition (attached carport and garage) to have a side yard setback of 20 feet in lieu of the required 35 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Due to the unique characteristics of the property, the location and configuration of the existing dwelling and driveway, the proposed garage addition and carport must be placed in the proposed location. Without the requested relief, the Petitioner will suffer practical difficulty and undue hardship due to the necessity to reconfigure the existing dwelling and driveway to accommodate the proposed addition. The subject property contains 16.40 acres of land zoned RC 2 and is served by private well and septic system.

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 September 7, 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 23<sup>rd</sup> day of September, 2008 that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition (attached carport and garage) to have a side yard setback of 20 feet in lieu of the required 35 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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