

**IN RE: PETITION FOR ADMIN. VARIANCE**  
SW corner of Moales Land and Greenspring  
Valley Road  
3<sup>rd</sup> Election District  
2<sup>nd</sup> Councilmanic District  
**(3 Moales Lane)**

Charles and Pamela Ward  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0074-A**

\* \* \* \* \*

**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, Charles and Pamela Ward for property located at 3 Moales Lane. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18.5 feet in lieu of the required 35 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct an addition behind and to the east of their dwelling. This addition will connect a proposed side entrance, mudroom and garage to their existing home. As shown on the site plan, floor plan and elevation plans, the addition would be rectangular in shape (24 feet, 6 inches wide by 47 feet, 6 inches long) and house approximately three (3) vehicles as well as a mudroom and new side entry. The Petitioners approached their neighbors who do not object and are supportive of the proposed addition. The property contains 1.35 acres (58,895 square feet) and is zoned R.C.2.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated October 14, 2008, which does not oppose the Petitioners request. The comment further indicates that the existing vegetation at the rear of the property shall remain, as it will create a natural buffer for the property

on the south side. Comments were also received from the Department of Environmental Protection and Resource Management (DEPRM) dated October 16, 2008 which indicates that prior to building permit approval, the location of the well and septic system must be shown on the site plan, an evaluation of the septic system may be required, soil evaluations may be required, and to contact the Ground Water Management Section of DEPRM for more information.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 18, 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 17<sup>th</sup> day of October, 2008 that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18.5 feet in lieu of the required 35 feet for an addition 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. Preservation of the existing vegetation at the rear of the property shall remain, as it will create a natural buffer for the property on the south side.
3. Prior to building permit approval, the location of the well and septic system must be shown on the site plan, an evaluation of the septic system may be required, soil evaluations may be required, and to contact the Ground Water Management Section of DEPRM for more information.

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

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SIGNED  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz