

**IN RE: PETITION FOR ADMIN. VARIANCE**

N side of Velvet Ridge Drive; 932 feet W of the  
c/l of Park Heights Avenue  
3<sup>rd</sup> Election District  
2<sup>nd</sup> Councilmanic District  
**(2310 Velvet Ridge Drive)**

Howard and Cindy Cummins  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2010-0151-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, Howard and Cindy Cummins for property located at 2310 Velvet Ridge Drive. The variance request is from Section 1B02.3.B [1963 regulations) and Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 36 feet in lieu of the required 50 feet for an addition. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners wish to replace an existing porch with a 20 ft. x 24 ft. one story sunroom addition. The most affected property owner at 2312 Velvet Ridge Drive, submitted a letter in support of the variance request. That correspondence indicates that the proposed addition will be approximately the same size as the screened porch that was destroyed by a tree and the appearance of the addition will match the existing dwelling. Photographs submitted with the Petition illustrate the area surrounding the location of the proposed addition contains dense tree cover. Petitioners’ property contains .93 acres and is served by private sewer and water systems.

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 November 12, 2009 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 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 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 Deputy Zoning Commissioner for Baltimore County, this 4<sup>th</sup> day of December, 2009 that a variance from Section 1B02.3.B [1963 regulations) and Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 36 feet in lieu of the required 50 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.

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