

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Bucksway Road, 175' S of the c/l
Cliffside Court
(15 Bucksway Road)
3rd Election District
3rd Councilmanic District

Jonathan R. Elyachar, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-255-A

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Jonathan R. and Jodie L. Elyachar. The Petitioners seek relief from Sections 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to lot line setback of 25 feet in lieu of the required 50 feet for a proposed addition, and an amendment to the Final Development Plan of Verdant Woods, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance

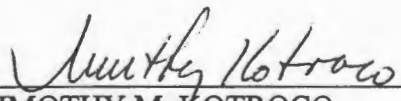
with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of February, 1999 that the Petition for Administrative Variance seeking relief from Sections 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to lot line setback of 25 feet in lieu of the required 50 feet for a proposed addition, and an amendment to the Final Development Plan of Verdant Woods, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County