IN RE: PETITION FOR ADMIN. VARIANCE

W side of Dubbs Road, 2420 feet +/- E

of c/l of Yeoho Road 5th Election District

3rd Councilmanic District

(16510 **Dubbs Road**)

Neal Rumley Petitioner

BEFORE THE

DEPUTY ZONING

COMMISSIONER

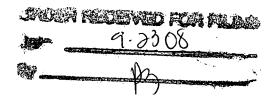
FOR BALTIMORE COUNTY

Case No. 2009-0057-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 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.



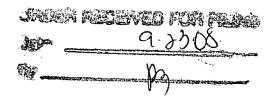
The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 7, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 <u>J3rd</u> 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.

THOMAS H. BOSTWICK Deputy Zoning Commissioner for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

September 23, 2008

NEAL RUMLEY PO BOX 14 MANCHESTER MD 21102-0724

> Re: Petition for Administrative Variance Case No. 2009-0057-A Property: 16510 Dubbs Road

Dear Mr. Rumley:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Guy Ward, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville MD 21030

Petition for Administrative Variance



REV 7/20/07

to the Zoning Commissioner of Baltimore County for the property

located at 16510 Dubbs Road which is presently zoned RC-2

Deed Reference: 14997 / 232 Tax Account #2200027598

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Please see attached.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			perjury, that I/we are the leg is the subject of this Petition	al owner(s) of the p	
Contract Purchaser/L	Lessee:		Legal Owner(s):		
			Neal Rumley	•	
Name - Type or Print			Name - Type or Print	unles	8-21-08
Signature	,, ,,		Signature		
Address	***************************************	Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		
Attorney For Petition	<u>ier:</u>		P.O. Box 14 Address	410-47	L-0724 Telephone No.
Name - Type or Print			Manchester City	MD 2 State	21102-0014 Zip Code
			Representative to be	Contacted:	
Signature		•	Guy Ward c/o McF	Cee & Assoc	rates, Inc.
Address		Telephone No.	3.1	Suite 1 4	10-527-1555 Telephone No.
			Cockeysville		1030
City	State	Zip Code	City	State	Zip Code
A Public Hearing having bee his day of egulations of Baltimore Count	- ·	that the aubicat matter at	equired, it is ordered by the Zoning (if this petition be set for a public hearing)	Commissioner of Balti ig, advertised, as requ	more County, uired by the zoning
			Zoning Commissione	r of Baltimore County	

mated Posting Date

Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

Sparks.

16510 Dubbs Road

variance at the above address (indicate hardship of	or practical difficulty):
PLEASE SEE ATTA	CHED
advertising fee and may be required to provide add	al demand is filed, Affiant(s) will be required to pay a reposting and litional information.
Neal Rumley Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMOS I HEREBY CERTIFY, this 215+ day of 100	RE, to wit: Carroll @ 9 ust, 2008, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personal Rumley	nally appeared
the Affiant(s) herein, personally known or satisfactor	orily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Notary Public
	Throthy F. Schmilt MOTARY PUBLIC
REV 7/24/07	My Commission Expires A Cerroll County State of Maryland

My Commission Expires September 1, 2010

Attachment 1 Petition for Variance

Case Number:

Address: 16510 Dubbs Road

Legal Owner(s): Neal Rumley

Petitioner: Neal Rumley

Present Zoning: RC-2

Prior Zoning Case: N/A

Request for Variance:

To determine whether or not the Zoning Commissioner should approve:

A variance to Section 1A01.3.B.3 (BCZR); to permit an existing single family dwelling with addition (attached carport and garage) to have a side yard setback of twenty (20) feet in lieu of the required 35 feet.

Reason for Request

Due to the unique characteristics of the subject property, the location and configuration of the existing dwelling and driveway, the proposed garage addition 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.

FOR ADDITIONAL INFORMATION ON THIS PETITION PLEASE CONTACT:

Guy C. Ward, R.S., Associate

McKee & Associates, Inc

Engineering, Surveying, Land Planning, Real Estate Development Shawan Place, 5 Shawan Road, Suite 1, Hunt Valley, MD 21030 Tel: (410) 527-1555 Fax: (410) 527 1563 E-Mail: mckee@qis.net

Zoning Description for 16510 Dubbs Road

Commencing at point located on the west side of Dubbs Road which is 60 feet wide, +/-, wide at a distance of 2,420 feet,+/- east of the centerline of the nearest improved intersecting street Yeoho Rd., which is 20 feet wide, +/-, thence running the following two courses and distances as now surveyed:

- 1. South 83° 07' 29" West 565.91 feet, and
- 2. South 67° 32' 11" West 275.09 feet,

to the point of beginning for the zoning description thence running following forty nine (49) courses and distances :

- 1. South 31 ° 08' 24" East 49.05feet,
- 2. South 00° 38' 02" East 97.83 feet,
- 3. South 18° 10' 42" East 56.29 feet,
- 4. South 12° 31' 02" West 52.88 feet,
- 5. South 27° 14' 17" East 76.01 feet,
- 6. South 02° 41' 17" East 73.14 feet,
- 7. South 49° 08' 49" East 57.98 feet,
- 8. South 15° 19' 30" East 78.91 feet,
- 9. South 28° 55' 53" East 58.55 feet,
- 10. South 02° 25' 32" West 79.41 feet,
- 11. South 33° 40' 28" East 74.18 feet,
- 12. South 04° 25' 23" West 18.97 feet,
- 13. South 45° 34' 41" West 94.29 feet,
- 14. South 25° 16' 49" West 64.22 feet,
- 15. South 45° 22' 02" East 64.88 feet,
- 16. South 08° 41' 50" East 21.21 feet,
- 17. South 31° 32' 21" West 24.08 feet,
- 18. South 69° 21' 31" West 60.13 feet,
- 19. South 69° 21' 31" West 56.45 feet,
- 20. North 16° 56' 31" West 1837.89 feet,
- 21. North 21° 33' 01" East 149.00 feet,
- 22. North 45° 17' 11" East 264.00 feet,
- 23. North 39° 17' 11" East 346.45 feet,
- 24. South 84° 43' 34" East 239.36 feet,
- 25. South 84° 43' 17" East 219.48 feet,
- 26. South 25° 45' 18" West 164.07 feet.
- 27. South 04° 55' 43" West 131.87 feet,
- 28. South 31° 20' 45" West 49.00 feet,
- 29. North 88° 55' 35" West 34.02 feet,
- 30. South 48° 17' 52" West 42.48 feet,
- 31. South 21° 47' 11" West 82.92 feet,
- 32. South 54° 00' 52" West 76.60 feet,

- 33. South 03° 47' 45" West 40.30 feet,
- 34. South 71° 28' 25" West 57.67 feet,
- 35. South 58° 38' 09" West 53.49 feet,
- 36. South 08° 14' 43" West 46.31 feet,
- 37. South 70° 37' 29" West 67.53 feet,
- 38. South 40° 54' 49" West 59.63 feet,
- 39. South 60° 04' 28" West 60.83 feet,
- 40. South 07° 28' 30" West 36.44 feet,
- 41. South 70° 58' 12" West 52.04 feet,
- 42. South 20° 34' 27" West 42.88 feet,
- 43. South 20° 40' 36" West 95.00 feet,
- 44. South 03° 58' 41" East 175.79 feet,
- 45. South 31° 25' 04" East 78.08 feet,
- 46. South 04° 08' 31" East 37.95 feet,
- 47. South 27° 52' 54" East 99.01 feet,
- 48. South 18° 15' 48" West 87.27 feet, and
- 49. South 31° 08' 24" East 38.19 Feet to the point of beginning.

As recorded in deed liber 14997 folio 232, containing 16.389 acres or 714,210 square feet, also known as 16510 Dubbs Road and located in the 5th Election District and 3rd Councilmanic District.

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CERTIFICATE OF POSTING

Department of Permits & Development Management Baltimore County 111 W. Chesapeake Avenue Room 111 Towson, MD 21204 Date: September 9, 2008

Attention: Ms. Kristen Matthews/ Mr. Joseph Merrey

Re: Case Number: 09-0057-A

Petitioner/Developer: Neal Rumley

Date of Hearing/Closing: September 22, 2008

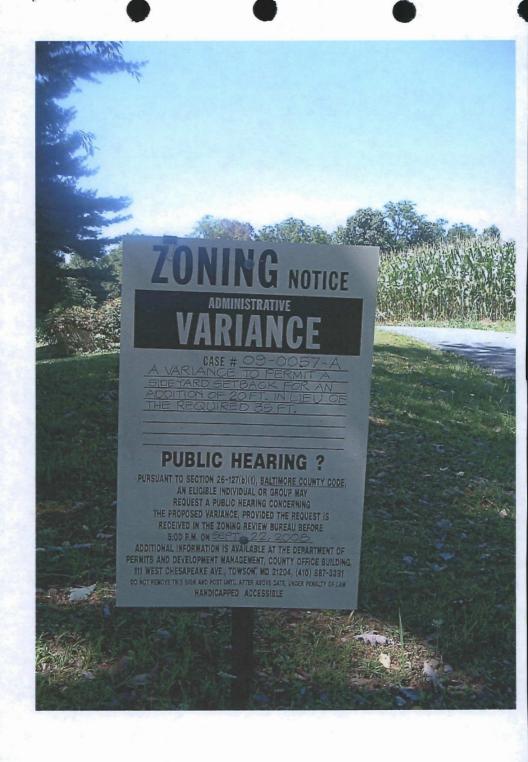
This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: 16510 Dubbs Road Baltimore County, MD 21152.

The sign (s) were posted on: September 7, 2008

william D. Gunck, s

2944 Edgewood Avenue Baltimore, MD 21234 (410) 530-6293





ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION HEET AND DATES

Case Number 09-	0057	-A	Address _	16510	DUBBS A	ZI .
Contact Person:		Messe	ey	PI	none Number: 4	410-887-3391
Filing Date: 8		Please Print Your N Postii	/	9,7.08	Closing Date	9.22.04
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reverse side reposting mu is again resp	of this form) ust be done or consible for al	and the petiti ily by one of t I associated	ioner is res the sign po: costs. The	ponsible for al sters on the ap zoning notice	s on the approvi I printing/posting proved list and sign must be s aain there throug	g costs: Any the petitioner visible on the
a formal req	uest for a pu	blic hearing.	Please u	n occupant or o nderstand tha plete on the clo	owner within 1,0 t even if there- osing date.	00 feet to file is no formal
commissione order that the (typically with	r. He may: e matter be in 7 to 10 day	(a) grant the set in for a as of the closi	requested public hea ing date) as	relief; (b) deny ring. You wil s to whether th	he zoning or do y the requested I receive written e petition has b u by First Class	relief; or (c) n notification een granted,
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Petitioner: This Pa	rt of the Form	n is for the S	ign Poster	Only		,
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ase Number 09-	0057 -A	Addres	s 16	510 L	ourbs k	
Petitioner's Name	NeaL	RumL	ey_	Telep	hone 410 -	472-0724
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 0057
Petitioner: NEAL RUMLEY
Address or Location: #16510 DUBBS ROAD
PLEASE FORWARD ADVERTISING BILL TO:
Name: NEAL RUMLEY
Address: P.O. Box 14
MANICHESTER, Mp. 21002
Telephone Number: 40 - 472- 0724



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and
Development Management

September 22, 2008

Neal Rumley P.O. Box 14 Manchester, MD 21102

Dear: Neal Rumley

RE: Case Number 2009-0057-A, Address: 16510 Dubbs Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 27, 2008, 2008. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

N. Carl Richards Ir

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

Guy Ward: McKee & Associates, Inc., 5 Shawan Rd. Ste. 1, Cockeysville, MD 21030

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 9, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 09-057- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: August 28, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 9, 2008

Item Nos. 09-0051,0052, 0053, 0054,

0055, 0056, 0057

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk cc: File

ZAC-08282008-NO COMMENTS



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

4102095

John D. Porcari, Secretary Neil J. Pederson, Administrator

Maryland Department of Transportation

Date: DEPT. 8, 2008

Ms. Kristen Matthews Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County Item No 2009-0057-A 16510 DUBBS ROAD RUMLEY PROPERTY ADMIN. VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0057-k.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: September 9, 2008

DECEIVED N SEP 1 1 2008

BY:----

SUBJECT:

Zoning Advisory Petition(s): Case(s) 09-057- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

Anomum Ligarita

William D. Gulick, Jr.
Baltimore County Approved Sign Poster
Notary Public
2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

LETTER OF TRANSMITTAL

Department of Permits & Development Management Baltimore County 111 W. Chesapeake Avenue Room 111 Towson, MD 21204 Attention: Ms. Kristen Matthews/ Mr. Joseph Merrey

Re: Case Number: 09-0057-A

Petitioner/Developer: Neal Rumley

Date of Hearing/Closing: September 22, 2008

ITEMS LISTI	ED BELOW A	RE: _	✓ At	tached Sent	Under Separate Cover		
Cor	respondence _		Prints	Documents	Other		
No. of Copies	Date			Item Description			
1	SEPT.9	08	CERTI	FICATE OF	POSTING		
2	SEPT.7,	08	SITE	PHOTOS	· · · · · · · · · · · · · · · · · · ·		
PURPOSE OF SUBMITTALS:							
For a	approval	<u>′</u> For	your use	As requested _	For review & comment		
Other _							
REMARKS:							

OC: McKEE & SSOC. INC MR. GUY WERD

File # T0123456

PHOTOGRAPHIC EXHIBIT

TO ACCOMPANY

ADMINISTRATIVE ZONING VARIANCE PETITION

16510 DUBBS ROAD

NEAL RUMLEY PROPERTY



















