

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W side of Beechwood Avenue, 150 feet S		
of Evergreen Road	*	DEPUTY ZONING
15 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(1808 Beechwood Avenue)		
	*	FOR BALTIMORE COUNTY
James A. Ruggiero		
<i>Petitioner</i>	*	Case No. 2009-0031-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, James A. Ruggiero for property located at 1808 Beechwood Avenue. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 6.5 feet and 11.5 feet for a second story addition, in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioners want to increase the living area for the growing family and this home will be their older age residence. Petitioners have confirmed that the subject residence is not their primary residence; however their summers are spent at the subject property. They anticipate 1808 Beechwood Avenue will be their primary residence after the renovations and will downsize to this one residence. The home was constructed in 1952 and contains 1,124 square feet.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated August 27, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) within the C.B.C.A. and must

comply with a 15% forest cover requirement and a maximum lot coverage based on the site area above mean high water. A 100 foot tidal buffer exists and any proposed work in this buffer must meet all BMA and LDA requirements. Petitioner should contact Impact Review at 410-887-3980 concerning the definition of lot coverage.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 17, 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 1st day of October, 2008 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 6.5 feet and 11.5 feet for a second story addition, in lieu of the required 50 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.
2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. The property is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) within the C.B.C.A. and must comply with a 15% forest cover requirement and a maximum lot coverage based on the site area above mean high water. A 100 foot tidal buffer exists and any proposed work in this buffer must meet all BMA and LDA requirements. Petitioner should contact Impact Review at 410-887-3980 concerning the definition of lot coverage.

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