

**IN RE: PETITION FOR ADMIN. VARIANCE**  
W side of Hilton Avenue, 175 feet S of c/l  
of Franklin Tree Court  
1<sup>st</sup> Election District  
1<sup>st</sup> Councilmanic District  
**(1004 A Hilton Avenue)**

John E. Tis and Dawn V. Bedlivy  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0106-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, John E. Tis and Dawn V. Bedlivy for property located at 1004 A Hilton Avenue. The variance request is from Section 400.1 Article 4, Special Regulations, of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (garage) in the front yard of a dwelling in lieu of the permitted rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a garage measuring 24 feet x 22 feet in size. The proximity of the forest conservation easement to the rear of the house and the location of trees behind the house preclude placement of the garage to the rear of the foundation of the house. Placement of the garage to the side of the house will not require cutting down any trees and will have the lowest impact on the lot and the forest conservation easement. This structure will be built with the same external materials as the main house in order to maximize the appearance from the front. The proposed garage is located more than 300 feet from the street and will have no negative visual impact. Petitioners' property contains 1.3114 acres.

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 October 25, 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 18<sup>th</sup> day of November, 2008 that a variance from Section 400.1 Article 4, Special Regulations, of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (garage) in the front yard of a dwelling in lieu of the permitted rear yard 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