

IN RE: PETITION FOR ADMIN. VARIANCE

N side of First Avenue; 175 feet W of the c/l
of Washington Avenue
13th Election District
1st Councilmanic District
(130 First Avenue)

Wilson F. Bieman
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0165-A**

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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, Wilson F. Bieman for property located at 130 First Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 4 feet in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner’s daughter and two grandchildren will be moving in to help take care of him. The proposed addition measures 11 feet x 26 feet in size and would allow the Petitioner to remain on one level. Petitioner’s existing home was constructed in 1926. The property owner residing at 132 First Avenue did not express any opposition to the requested relief. Petitioner provided letters of support from neighbors residing at 110 First Avenue, 134 First Avenue, 132 First Avenue, 127 First Avenue, and 125 First Avenue.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated January 20, 2010 which indicates that the existing structure is a distinctive older dwelling. There is a sign in the front yard of the property that advertises a tax consulting service on the premises. Should the variance request be granted, the addition should be architecturally consistent with the existing

dwelling. Additionally, the addition nor the existing areas of the home are to be used for business purposes.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 19, 2009 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 20th day of January, 2010 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 4 feet in lieu of the required 10 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. The addition shall be architecturally consistent with the existing dwelling.

3. Neither the addition nor the existing areas of the home are to be used for business purposes.

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