

IN RE: PETITION FOR ADMIN. VARIANCE
E side of Greenspring Avenue; 760 feet NW
of the c/l of Caves Road
8th Election District
2nd Councilmanic District
(11903 Greenspring Avenue)

John L. Bidlack Sr. and Roxanne M. Bidlack
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0147-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 L. Bidlack Sr. and Roxanne M. Bidlack for property located at 11903 Greenspring Avenue. The variance request is from Section 427.B of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a residential occupancy fence to be erected with a height of 6 feet in the rear yard of a lot which adjoins the front yard of another residence in lieu of the permitted 42 inches. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct a 92 feet long privacy fence. The neighbors constructed a 6 feet high privacy fence adjacent to the north property line of the Petitioners’ back yard except the last 92 feet. Petitioners wish to continue this fence construction to the back corner of their backyard for consistency. The fence will provide safety and security for the Petitioners’ property. Photographs submitted with the Petition illustrate that the proposed fence will be constructed in front of the existing trees. The most affected property owner did not express any objection to the variance request. Petitioners’ property contains .96 acre of land zoned RC 5.

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 November 3,

2010 which indicates that they do not oppose the requested provided the fence is similar in type to the existing 6 feet high fence.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 31, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have 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 Petitioners.

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 16th day of November, 2010 that a variance from Section 427.B of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a residential occupancy fence to be erected with a height of 6 feet in the rear yard of a lot which adjoins the front yard of another residence in lieu of the permitted 42 inches 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

2. The fence shall be similar in type to the existing 6 feet high fence.

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