

IN RE: PETITION FOR ADMIN. VARIANCE
W side of Hawthorne Avenue, 185 feet E
of the c/l of Ivanhoe Place
3rd Election District
2nd Councilmanic District
(18 Hawthorne Avenue)

Grace K. Silverman and Chester K. Hoover
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0180-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 owners of the subject property, Grace K. Silverman and Chester K. Hoover for property located at 18 Hawthorne 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 6 feet in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct a rear addition measuring 24 feet x 20 feet in size. This proposed addition will contain a new kitchen and a new family room to replace the first floor space converted to master bedroom area. Petitioners need to convert the two story home to single level living space due to medical necessity. The existing dwelling was constructed 5 feet from the side property line and the proposed addition will be 6 feet from the side property line. The most affected property owner residing at 20 Hawthorne Avenue did not express any concern about the proposed addition.

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 December 14, 2010 which indicates that they do not oppose the request provided it is constructed in accordance

with the architectural elevation drawings prepared by Creative Outlooks LLC dated November 4, 2010.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 16, 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 22nd day of December, 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 6 feet in lieu of the required 10 feet be and 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.

2. The proposed addition shall be constructed in accordance with the architectural elevation drawings prepared by Creative Outlooks LLC dated November 4, 2010.

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