IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
W/S Melbourne Road, 625' S of the c/l
Wise Avenue * ZONING COMMISSIONER
(1740 Melbourne Road)
12th Election District * OF BALTIMORE COUNTY
7th Council District * CASE NO. 06-325-A

Troy R. Swiger, Jr., et ux
Petitioners
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Troy R. Swiger, Jr. and his wife, Donna J. Swiger. The Petitioners request a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (R.G. Zone, 1957, Section 214.1B) to permit a rear yard setback of 34 feet in lieu of the required 50 feet, and a side yard setback of 7 feet in lieu of the required 15 feet, for a proposed addition. The subject property and requested relief are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 32-\\.303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the information contained therein, I am persuaded to grant the variance. Relief is necessitated given the layout and location of the existing dwelling. As shown on the site plan, the Petitioners propose constructing a 23' x 25' addition to the rear of the existing dwelling to provide living quarters for Mrs. Swiger's mother. The addition will not have a kitchen, but will contain a living area, bedroom and handicapped bathroom. There were no adverse comments submitted by any County reviewing agency and none of the neighbors voiced any opposition. Thus, it appears that relief can be granted without detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31 day of January 2006 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (R.G. Zone, 1957, Section 214.1B) to permit a rear yard setback of 34 feet in lieu of the required 50 feet, and a side yard setback of 7 feet in lieu of the required 15 feet, for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be

rescinded.

WJW:bjs

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

January 31, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

WILLIAM J. WISEMAN, III

Zoning Commissioner

for Baltimore County

Mr. & Mrs. Troy R. Swiger, Jr. 1740 Melbourne Road Baltimore, Maryland 21222

RE: PETITION FOR ADMINISTRATIVE VARIANCE

W/S Melbourne Road, 625' S of the c/l Wise Avenue (1740 Melbourne Road)
12th Election District – 7th Council District
Troy R. Swiger, Jr., et ux - Petitioners
Case No. 06-325-A

Dear Mr. & Mrs. Swiger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

WJW:bjs

c: People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

for the property located at 1740 Melbourne Road which is presently zoned DR 10.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1002.38., (R.G. 7000 1957-214.16.)

TO PERMIT AN ADDITION WITH A 34-FOOT REAR SETBACK AND 7-FOOT SIDE SETBACK IN LIEU OF THE REQUIRED 50-FEET AND 15-FEET, RESPECTIVELY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			is the subject of this Pet	ition.	• • •
Contract Purchaser	/Lessee:		Legal Owner(s):		
			Troy R.	Swiger J.	-
Name - Type or Print	<u>.</u>	<u> </u>	Name - Type or Print	July C1, 0.	<u> </u>
			Tun Leve	ies/h.	
Signature	•		Signature		
Address		Telephone No.	Name - Type or Print	. Swiger	
71447000			Donna J	· sweger	
City	State	Zip Code	Signature	10	<u> </u>
Attorney For Petitio	ner:		1740 Me/box	urne Koa	L 410-285-8070
			Address / /O.	113	Telephone No.
	. <u> </u>	······································		M_1)	ン/シュム Zip Code
Name - Type or Print			Citý	State	Zip Code
	<u>-</u>		Representative to	be Contacted:	
Signature			Trov R. 3	wiger Ir	•
Company			Name /		Cell phone 410-852-019.
<u> </u>			1740 Melbours	re Kd.	
Address		Telephone No.	Address	113	Telephone No.
	State	Zip Code	City	5tate	<i>え/</i> みみ Zip Code
City	~ · · · ·	4. p & 000	~ · · ·	Çidir.	
- A Peblic Hearing having b	een formally demand	led and/or found to t	e required, it is ordered by the	Zoning Commissione	of Baitimore County.
ations of Baltimore Cou	nly and that the proper	ty be reposted.	this petition be set for a public he	, min 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	equito by the Earning
377			Zoning Commiss	Poner of Baltimore Co	unly
CASE NO.	ひん - なって - わ	9	eviewed By DT.	Date 14	*\/n
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MEV 10/25/01		E	stimated Posting Date	1115lde	

Affida Vit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	1740 Mel	bourne Road	······································
	Address Address	State	フルコン Zip Code
That based upon personal knowledge, the fol Variance at the above address (indicate hards	ship or practical difficulty	on which I/we base the reque	est for an Administrative
Hardship-I'd like +	o build an	addition on 4	se back of
the house due to	the deteri	iorating health	of my
madha who reall	ines sion C	are and house	ing that
does not require	Stops The	addition wou	Id consist
of a living area, It does not require	he drown &	handicapped	bathroom.
of a mong and,	wind of V	Labor as she	would be
It does not reg	uire a Kit	Lill C	han living
able to enter the	e existing 1	Kitchen Trom	ner // ving
area.	J		
That the Affiant(s) acknowledge(s) that if a	formal demand is file	d, Affiant(s) will be required	to pay a reposting and
advertising fee and may be required to provide	e additional information		
		1/2 1	~
Signature Signature	Sigr	Norna J. Seva	ger
Troy R. Swiger Jr.		Donal T. Sin	1:alx
Name - Type or Print	Nam	ne - Type or Print	
	•		
STATE OF MARYLAND, COUNTY OF BALT	'IMORE, to wit:		
I HEREBY CERTIFY, this 314 day of of Maryland, in and for the County aforesaid,		, 2006 , before me, a N	lotary Public of the State
	\		
TROY R. SWIGER, Jr. the Affiant(s) herein, personally known or satisf	Stactorily identified to m	-	
the Amant(s) herein, personally known or saus	stactorny tachanea to in	e as such ranana,	
AS WITNESS my hand and Notarial Seal	1		
HERBERT GEILENKIRCHEN	J 70. 6.	. De Benking	?
Notary Public State of Maryland	Notary Pub	lic Geilenkiiche	
Baltimore County My commission exp. October 1, 2008	M. Commis	ssion Expires	
, topic at a 1 0 0 0 0	_		

ZONING DESCRIPTION

Zoning Description For 1740 Melbourne Road Baltimore, Maryland 21222.

Beginning at the point on the west side of Melbourne Road which is 40 feet wide at a distance of 625 feet South of the centerline of the nearest improved intersecting street Wise Ave. which is 60 feet wide. Being Lot # 75, Block C, Section # D in the subdivision of Eastcrest as recorded in Baltimore County Plat Book # 23, Folio # 113, containing 3,832.95 square feet. Also known as 1740 Melbourne Road and located in the 12th Election District, 7th Councilmanic District.

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CERTIFICATE OF POSTING

	RE: Case No.: 06-325-A.
	Petitioner/Developer:
	SWIGER
	Date of Hearing/Closing: 1/30/06
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of perjur posted conspicuously on the property located at:	<u></u>
1140 1166	SUCCE ICE
The sign(s) were posted on(M	//5/06
Site	ecerely,
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Duedalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

1740 Micc. 200012 2D

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is ubject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising: Item Number or Case Number:	06-325-A
Petitioner: SWIGE	
Address or Location: 1740	MELPOURNE RD.
PLEASE FORWARD ADVERTISIN	IG BILL TO:
Name: MR.+MRS.TRO	NR SWIGER
Address: 1740 MELBOUR	KE RD
BALTO MO &	1222
Telephone Number:	H10-285-8070

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number 06-	325	-A	Address	1740 ME	LBOURNE	RD.	·
Conta	ct Person: _	DONNA THO	Please Print Your	Name	 	Phone Numb		4
Filing	Date:	4/06	_ Post	ting Date:	1/15/06	Closing	Date: _	1/30/06
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3.	commissione order that the (typically with	Ifter the closion of the matter be the him 7 to 10 days to be the second of the second	(a) grant the set in for a sys of the clo	e requested a public he osing date)	d relief; (b) dearing. You as to whethe	eny the requivers will receive to the petition	ested re written i has bee	elief; or (c) notification n granted,
4.	(whether du commissione changed giv	PUBLIC HEA e to a neight er), notification ing notice of this fication of this	bor's formal n will be fo the hearing d	request of rwarded to late, time a	by order of you. The nd location.	f the zoning sign on the As when the	or deposited property sign was	uty zoning must be s originally
			(Deta	ch Along Dotted	Line)		<u></u>	
Petitio	oner: This P	art of the Fo	rm is for the	Sign Post	er Only			
		USE THE	ADMINISTRA	ATIVE VAR	ANCE SIGN	FORMAT		
Case	Number 06-	325 -4	Addr	ess <u>1740</u>	MELBOUR	WE RO.	<u> </u>	
Petitio	ner's Name _	SWIGER		······································	Te	elephone 4	0-285-	· <u>%070</u>
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Department of Permits Development Management

Development Processing County Office Building 111 W Chesapeake Avenue Towson, Maryland 21204



Baltimore County

James T Smith, Jr., County Executive Timothy M Kotroco, Director

January 30, 2006

Troy R. Swiger, Jr.
Donna J. Swiger
1740 Melbourne Road
Baltimore, Maryland 21222

Dear Mr. and Mrs. Swiger:

RE: Case Number: 06-325-A, 1740 Melbourne Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 4, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,
U. Call Rill ()

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



Baltimore County

James T Smith, Jr, County Executive John J Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

January 10,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: January 9,2006

Item No.: 321, 322, 323, 324, 325,)327.

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 17, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 16, 2005

Item Nos. 321, 322, 323, 324, 325 and 326

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw cc: File

ZAC-NO COMMENTS-01172006 doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: January 11, 2006

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-325- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 1.9.07

Ms. Kristen Matthews Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 325

Dear, Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

1. 1. Soul

Engineering Access Permits Division

DT. 335 00-255-H	PREPARED BY SCALE OF DRAWING: 1" = 30'
(11)	NORTH
43	
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CHESAPEAKE BAY CHITICAL AREA YES	
SEWER NEIC PRIVATE	7.9x Cb # 122.0c; 4;4 (c)
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1"=200' SCALE MAP # 10+A-1	6 · · · · · · · · · · · · · · · · · · ·
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LOCATION INFORMATION	• •
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	PLAT BOOK # 23 FOLIO # 113 LOT # 15 SECTION # C. OWNER IRON B. + DOWNA J. SWIGER
	SUBDIVISION NAME EASTOREST
R ADDITIONAL REQUIRED INFORMATION	RESS 1940 MEL ROUBIE RD SEE PAGES 5 8 6 OF THE CHECKLIS
CE SPECIAL HEADING	PLAT TO ACCOMPANY PETITION FOR JONING WIVERIAN

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search Ground Rent

Account Identifier:

District - 12 Account Number - 1204036650

Owner Information

Owner Name:

SWIGER TROY RAY, JR

SWIGER DONNA JEAN

Use:

RESIDENTIAL

Mailing Address:

1740 MELBOLIDNE DO

1740 MELBOURNE RD BALTIMORE MD 21222-4821 Principal Residence:

YEŞ

Deed Reference:

1) / 7428/ 238

2)

Location & Structure Information

Premises Address

1740 MELBOURNE RD

Legal Description

607 N WISE AVENUE

EASTCREST

Map Grid ParcelSub DistrictSubdivisionSectionBlock LotAssessment AreaPlat No:110413229C753Plat Ref:23/ 113

Special Tax Areas

Town
Ad Valorem

Tax Class

Enclosed Area Property Land Area 1,008 SF 3,795.00 SF

Exterior

Stories 2

Primary Structure Built

1957

Basement YES

END UNIT

Type

BRICK

County Use

04

Value Information

Base Value Phase-in Assessments
Value As Of As Of As

01/01/2003 00 23,000 07/01/2005

As Of 07/01/2006

Land: Improvements: Total:

Preferential Land:

23,000 60,170 83,170

60,170 83,170

83,170

NOT AVAIL

Transfer Information

Seller: WEBER LAWRENCE A

Type: IMPROVED ARMS-LENGTH

Date: 12/10/1986

Deed1: / 7428/ 238

Date: Deed1: Date: Price: \$58,500 Deed2:

Price: Deed2: Price:

Deed2:

Seller: Date: Type: Deed1:

Exemption Information

 Partial Exempt Assessments
 Class
 07/01/2005
 07/01/2006

 County
 000
 0
 0
 0

 State
 000
 0
 0
 0

 Municipal
 000
 0
 0
 0

Tax Exempt: Exempt Class: NO

Special Tax Recapture:

* NONE *

IN RE: PETITION FOR ADMIN. VARIANCE W/S Melbourne Road, 625' S of

the c/l Wise Avenue (1740 Melbourne Road) 12th Election District 7th Councilmanic District

Troy R. Swiger, Jr., et ux Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 98-372-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Troy R. Swiger, Jr., and his wife, Donna J. Swiger. The Petitioners seek relief from Sections 1802.3.B and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) ((C.P.B. 1957) to permit an open projection (deck) with a side yard setback of 7 feet and a front yard setback of 17 feet in lieu of the required 11.5 feet and 18.75 feet, respectively. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the

International American International Interna

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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 B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

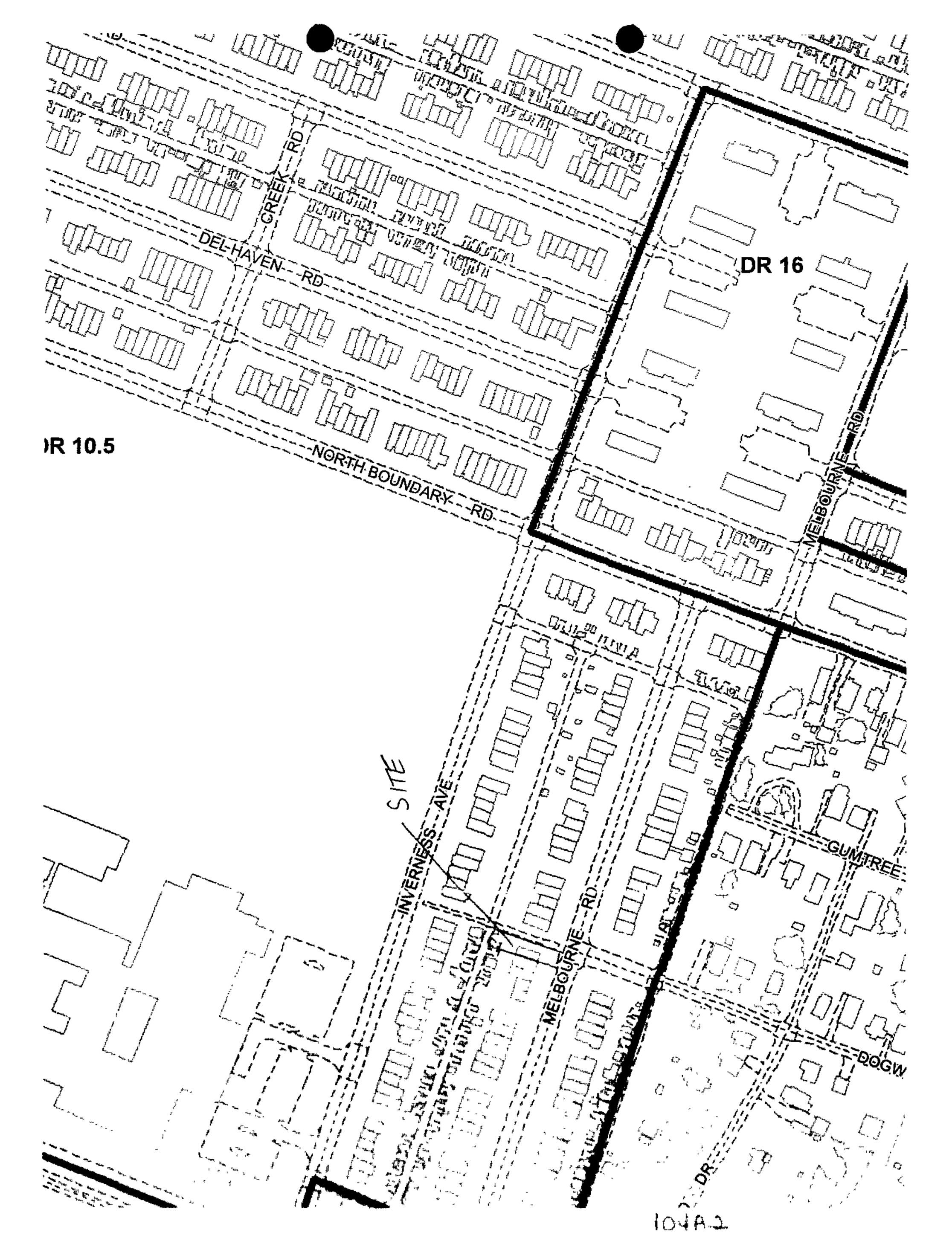
TMK:bjs

ORDER HECE INCOPA FILING Date

By

By

.. ") ..





1740 MelBourne Rd. 06-325-A

