

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Hilton Avenue, 175 feet S of c/l
of Franklin Tree Court
1st Election District
1st 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.

COPIES RETAINED FOR FILING
11-18-08
[Signature]

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.

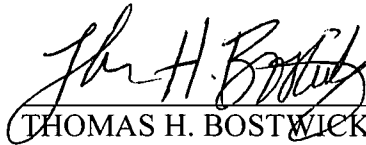
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 18th 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:

RECEIVED FOR FILING
11-18-08
[Signature]

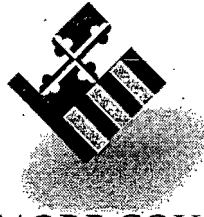
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILED
11-18-08

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 18, 2008

JOHN E. TIS AND DAWN V. BEDLIVY
1004 A HILTON AVENUE
CATONSVILLE MD 21228

Re: Petition for Administrative Variance
Case No. 2009-0106-A
Property: 1004 A Hilton Avenue

Dear Mr. Tis and Ms. Bedlivy:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with conditions in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1004A Hilton Ave, Catonsville
which is presently zoned DR2

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) Article 4, Special Regulations,

Section 400.1

To permit a proposed accessory structure, garage in the front yard of a dwelling in lieu of the permitted rear yard.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11-18-08 day of November that the subject matter of this petition be set for a public hearing, advertised as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2009-0106-A

Reviewed By [Signature]

Date 10/17/08

REV 10/25/01

Estimated Posting Date 10/26/08



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1004A Hilton Ave, Catonsville
which is presently zoned DR2

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) Article 4, Special Regulations,

Section 400.1

To permit a proposed accessory structure, garage in the front yard of a dwelling in lieu of the permitted rear yard.

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 of Baltimore County, 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of _____ that the subject matter of this petition be set for a public hearing, advertised as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2009-0106-A

Reviewed By [Signature]

Date 10/17/08

REV 10/25/01

Estimated Posting Date 10/26/08

Affidavit 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 1004A Hilton Avenue
Address Catonsville MD 21226
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

I, the owner, need to build a garage to store my vehicles. 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 accessory structure 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. The structure will be built with the same external materials as the main house in order to maximixe the appearance from the front. The structure is located more than 300 feet from the street and will have no negative visual impact.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Name - Type or Print

John E. Tis

Signature

Name - Type or Print

Dawn Bedding

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of October, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John Tis + Dawn Bedding

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 8/24/2012

Property Description

ZONING DESCRIPTION FOR 1004A HILTON AVENUE, CATONSVILLE, MD

Beginning at a point on the west side of Hilton Avenue which is 29 feet wide at the distance of 175 feet south of the centerline of the nearest improved street Franklin Tree Ct. which is 28 feet wide. Being Lot#3, as shown on Plat entitled "FOREST CONSERVATION PLAN & MINOR SUBDIVISION OF ELEANOR E. PETERS (DECEASED), MARIAN M. GREENWALT AND ANN S. DINKELMAN PROPERTY", which Plat is filed as Microfilm No. 388 in the Records Section of the Baltimore County Bureau of Land Acquisition containing 1.3114 acres. Also known as 1004A Hilton Avenue and located in the 1st Election District, 1st Councilman District.

2009-0106-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 25672

Date: 10/17/08

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0		6150					65.00
Total:									65.00

Rec From: John Tis

For: 1004-A H.H.W. Ave
Catonsville Md. 21228 2009-0106-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME
 10/20/2008 10/17/2008 10/00/08
 REC 6305 - MALKIN, JONN. DR
 REPT # 464927 10/17/2008 OPEN
 5 520 ZONING VERIFICATION
 07447
 Recpt Tot \$65.00
 \$65.00 CB \$6.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: October 27, 2008

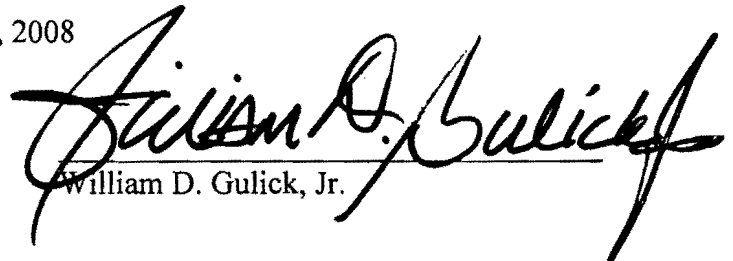
Zoning Office
Attention: Ms. Kristen Matthews
Mr. Leonard Wasilewski

Re: Case Number: 2009-0106-A
Petitioner/Developer: John E. Tis and Dawn V. Bedlivy
1004-A Hilton Avenue
Baltimore, MD 21228

Date of Hearing/Closing: November 10, 2008

This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: 1004 A. Hilton Avenue Baltimore, MD. 21228.

The sign (s) were posted on: October 25, 2008



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

SEE ATTACHED SITE PHOTOS



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2009-0106 -A
TO PERMIT A PROPOSED
ACCESSORY STRUCTURE,
GARAGE IN THE FRONT YARD OF
A DWELLING IN LIEU OF THE
PERMITTED REAR YARD.

#1004-A HILTON AVENUE

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON NOV. 10, 2008.

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 867-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0106 -A Address 1004 A Hilton Ave

Contact Person: LEONARD WASILCWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/17/08 Posting Date: 10/26/08 Closing Date: 11/10/08

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2009- 0106 -A Address 1004-A Hilton Ave

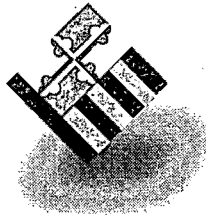
Petitioner's Name JOHN E. TIS & DAWN V. Bedlivy Telephone 240-426-0864

Posting Date: 10/26/08 Closing Date: 11/10/08

Wording for Sign: To Permit

To permit a proposed accessory structure, garage in the front yard of a dwelling in lieu of the permitted rear yard.

WCR - Revised 7/7/08



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
November 11, 2008

John E. Tis & Dawn V. Bedlivy
1004 Hilton Ave.
Catonsville, MD 2122

Dear: John E. Tis & Dawn V. Bedlivy

RE: Case Number 2009-0106-A 1004, Hilton Ave

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 17, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

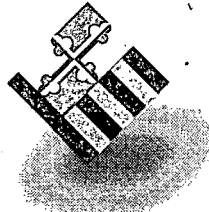
DATE: October 31, 2008

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 3, 2008
Item Nos. 2009-0100, 101, 102, 103, 104,
105, 106, 107 and 108

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

DAK:CEN:cab
cc: File
ZAC- 11032008-NO COMMENTS



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

October 31, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 27, 2008

Item Numbers: Item Number 0100 ¹⁰⁶ through 0107

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: November 5, 2008

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED
NOV 06 2008
BY: _____

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-106- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL

Curtis Murray



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: Oct. 24, 2008

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

RE: Baltimore County
Item No. 2009-0106-A
1004A HILTON AVE
BEDLIVY PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0106-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: November 20, 2008
SUBJECT: Zoning Item # 09-106-A
Address 1004A Hilton Avenue
(Eitis/ Bedlivy Property)

RECEIVED
NOV 20 2008

BY:

Zoning Advisory Committee Meeting of October 27, 2008

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

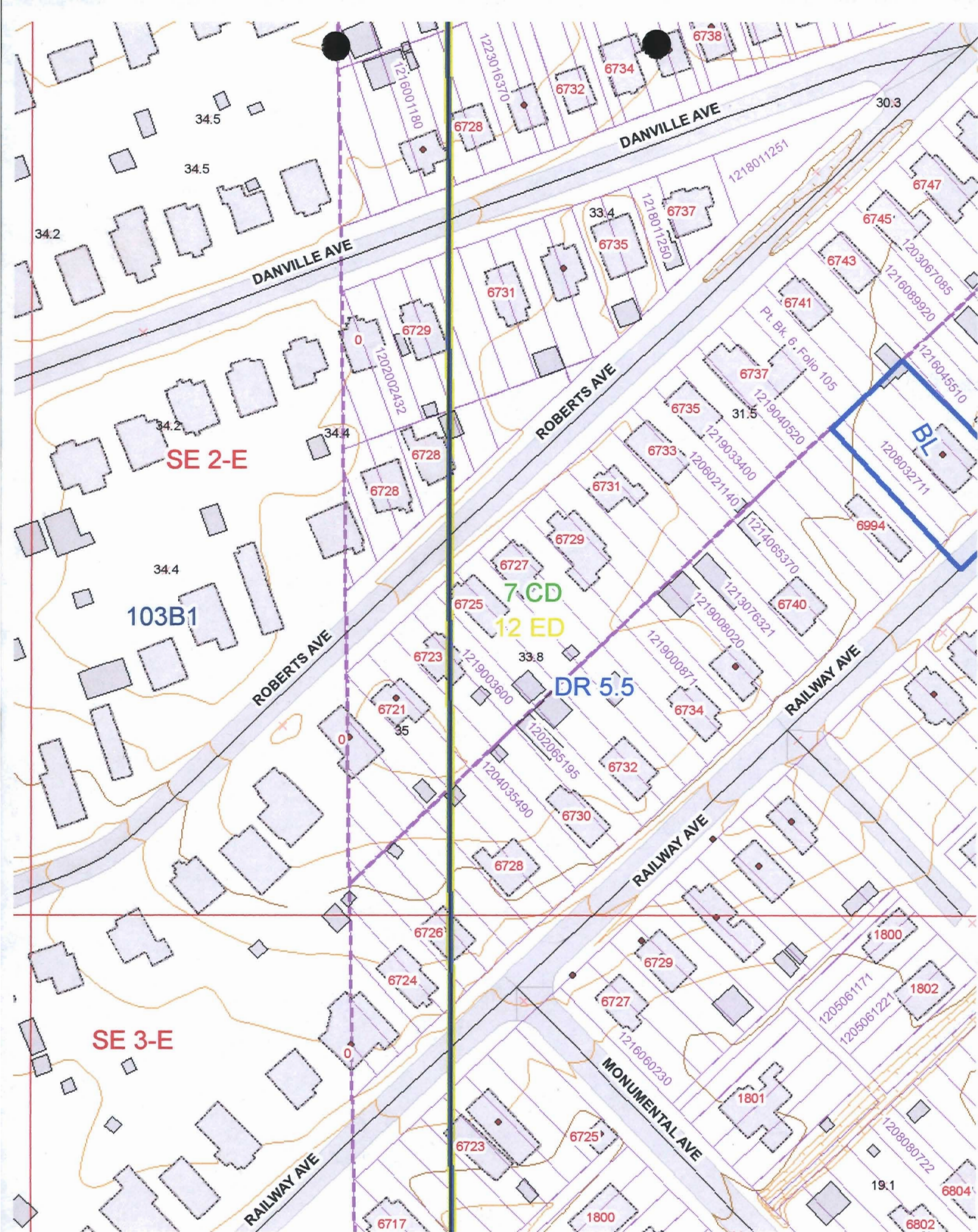
_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

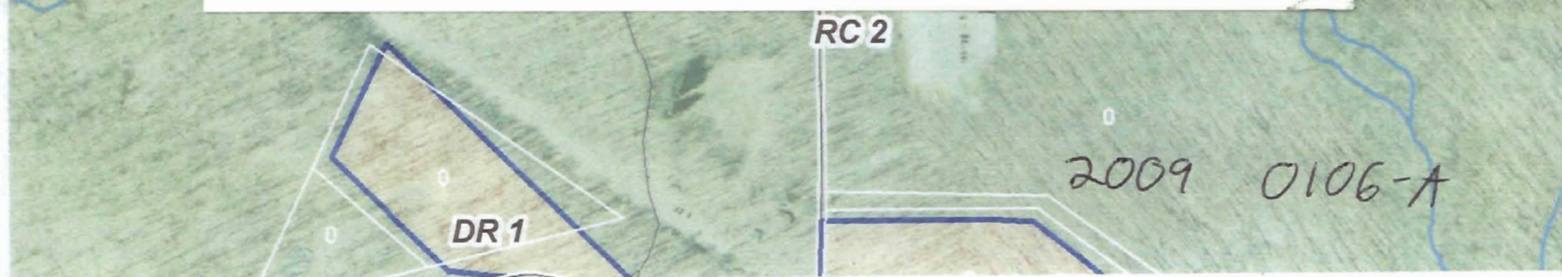
Additional Comments:

Construction of the proposed garage shall not disturb the existing Forest Conservation Easement

Reviewer: Glenn Shaffer

Date: November 14, 2008





PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

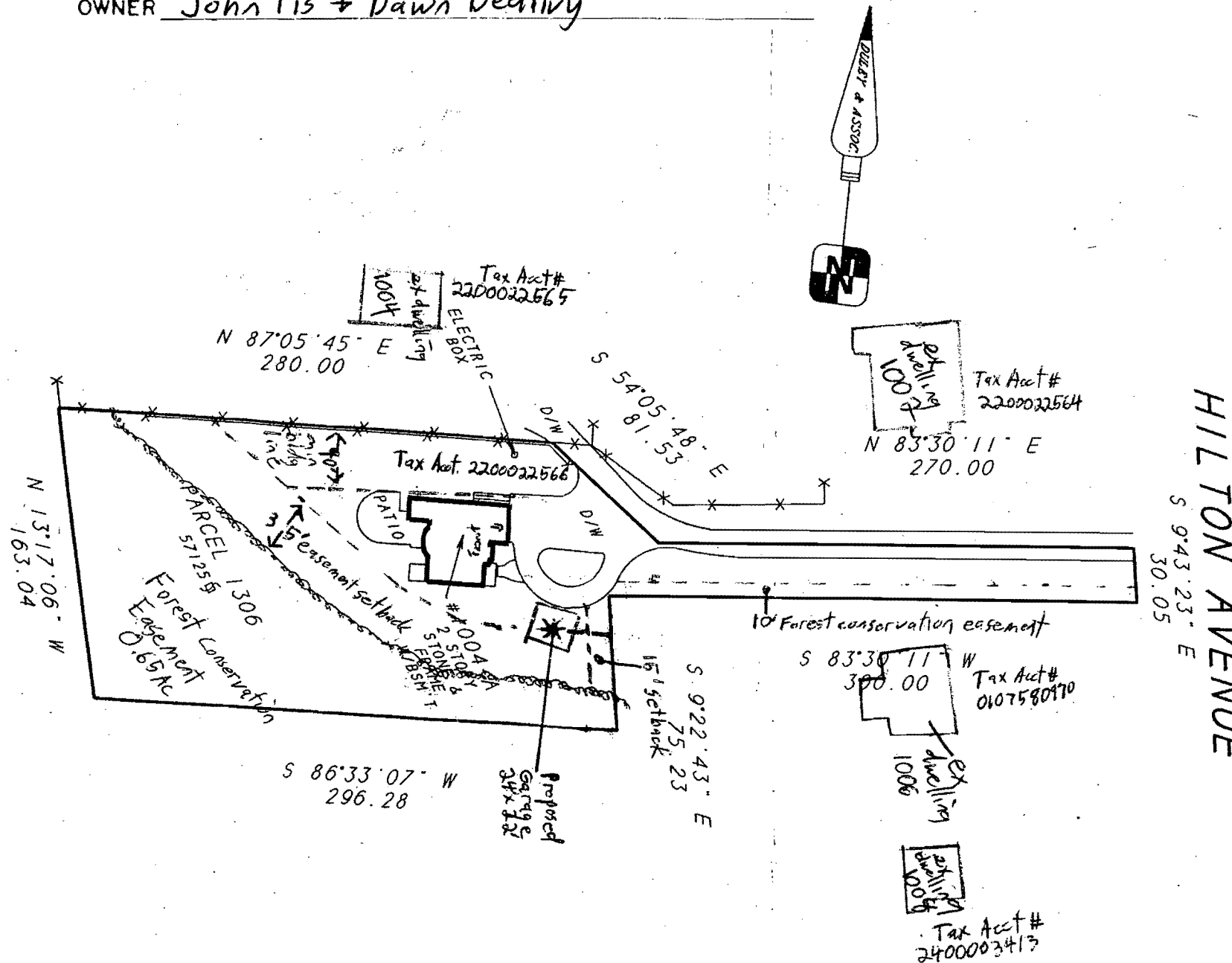
PROPERTY ADDRESS 1004A Hilton Avenue

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Peters, Greenwalt, & Pinkelman

PLAT BOOK # Microfilm # 388 FOLIO # 151 LOT # 3 SECTION # Parcel 1306

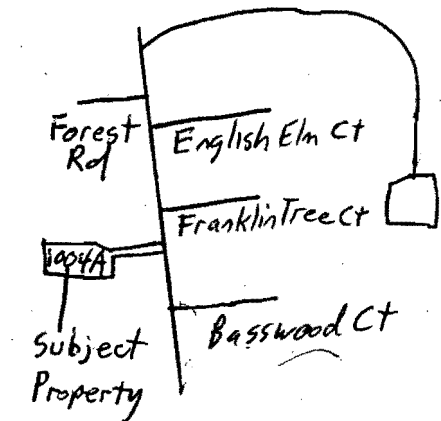
OWNER John Tis & Dawn Bedlivy



NORTH

PREPARED BY Tis and Puley & Assoc.

SCALE OF DRAWING: 1" = 80'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # 100 C3/10143

ZONING DR 2

LOT SIZE 1.3114 57,125
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	<u>None</u>	

ZONING OFFICE USE ONLY
REVIEWED BY Tw ITEM # 2009 CASE # 0106-A