

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(7524 Fort Avenue)		
15 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
CMW Properties, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0373-A

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

By Order dated August 23, 2019, the petition in the above case was dismissed without prejudice due to the fact that Petitioner (an LLC) was not “in good standing” with the Maryland State Department of Assessments and Taxation (“SDAT”).

Petitioner filed on August 28, 2019 a Motion for Reconsideration of that order, and attached thereto a certificate from the SDAT certifying the entity is now “in good standing to transact business.” As such, since this was the sole reason for dismissal the Motion for Reconsideration will be granted.

The above case involves a 6,250 SF lot improved with a single-family dwelling. The dwelling was constructed in 1954, before the adoption of the BCZR. As such, even though the lot width of 50' does not satisfy the 55' width requirement in the DR 5.5 regulations, the use is a lawful nonconforming use/structure pursuant to BCZR § 104, and is subject to the restrictions noted therein.

THEREFORE, IT IS ORDERED, this 29th day of **August, 2019**, by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED that the petition for variance filed in the above case be and

is hereby DENIED.

IT IS FURTHER ORDERED that the dwelling known as 7524 Fort Avenue qualifies as a lawful nonconforming use/structure, and may continue to be used as such subject to the restrictions and terms set forth in BCZR § 104.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln