

**IN RE: PETITION FOR VARIANCE**  
W side of Daren Court, 260' N of the  
c/line of Maryknoll Road  
2<sup>nd</sup> Election District  
2<sup>nd</sup> Council District  
**(8207 Daren Court)**

Darrell D. Sanders  
*Petitioners*

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BEFORE THE  
OFFICE OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
**CASE NO. 2012-0151-A**

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**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by Darrell D. Sanders, legal owner of the above property. The Petitioner is requesting Variance relief under Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a satellite dish and internet dish located in the front yard in lieu of the required rear yard. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the public hearing in support of the variance request was Petitioner Darrell D. Sanders and Vincent J. Moskunas with Site Rite Surveying, Inc., who prepared the site plan for this property. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

It should be noted that this matter came to the OAH as a result of an anonymous complaint registered with the Code Enforcement Division of the Department of Permits, Approvals and

Inspections<sup>1</sup>. A Code Enforcement Correction Notice was issued to the Petitioner on December 2, 2011, for placement of dishes in the front yard in lieu of the required rear yard. Hence, Petitioner filed the instant variance request.

Testimony and evidence revealed that the subject property is 16,351 square feet and is zoned DR 3.5. The property is improved by a single-family dwelling, and the home and grounds are very well maintained. (*See* Exhibit 4). The Petitioner submitted documents from the satellite provider (Exhibit 2) indicating that to achieve reception for the dishes, they would need to be placed in the front yard. Petitioner explained, and the photograph (Exhibit 4) confirms, that his rear yard contains several mature, tall trees, which will “block” satellite reception. The Department of Planning recommended the dishes be placed on the roof of Petitioner’s home, but Mr. Sanders recently had his roof replaced and the contractor (Exhibit 3) advised against that, fearing that the mounting hardware may cause the new roof to leak.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. A comment was received from the Department of Planning on January 11, 2012, as referenced above. There were no other ZAC comments received from any of the County reviewing agencies.

Based upon the testimony and evidence presented, I will grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and

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<sup>1</sup> Case No: CO-104174

- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Trinity Assembly of God v. People's Counsel*, 407 Md 53, 80 (2008).

The Petitioner has met this test. His home is positioned at the bottom of a cul-de-sac, and the rear yard is wooded and contains an extremely steep slope.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the lack of any neighborhood opposition or negative comments from County agencies.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 8<sup>th</sup> day of February, 2012 by this Administrative Law Judge that Petitioner's Variance request from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a satellite dish and internet dish located in the front yard in lieu of the required rear yard, be and is hereby GRANTED.

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

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:dlw