

**IN RE: PETITION FOR VARIANCE**  
**(7517 Rossville Blvd.)**  
14<sup>th</sup> Election District  
6<sup>th</sup> Councilman District  
G. W. Site Services, Inc.  
Petitioner

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BEFORE THE OFFICE  
OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
**CASE NO. 2014-0113-A**

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**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Galen Wallace on behalf of G. W. Site Services, Inc., the legal owner of the subject property. The Petitioner is requesting variance relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), (1) to permit a proposed dwelling with a front yard setback of 23 ft. and a rear yard setback of 23 ft. in lieu of the required 30 ft. each; and (2) to amend the Final Development Plan (FDP) of Cedar Lane Farms, Phase 1, Lot 25 only. 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 requests was Galen Wallace, principal of G.W. Site Services, Inc., legal owner. Neil Lanzi, Esquire, appeared and represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance and the file does not contain any letters of opposition. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is approximately 17,641 square feet (0.4 acres), and is zoned DR 3.5. The property is unimproved, and the Petitioner proposes to construct a single family dwelling on site. Given the configuration of the lot, variance relief is needed before it can do so.

Based upon the testimony and evidence presented, I will grant the petition for variance.

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (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).

Petitioner has met this test. The lot is irregularly shaped (pie-shaped) and the building envelope is constrained by environmental features.

If the B.C.Z.R. were strictly interpreted, the Petitioner would indeed suffer a practical difficulty, given it would be unable to construct on the lot an appropriate single family dwelling (i.e., one that is approximately 3,000 square feet, which is the size of the other homes in the subdivision). 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.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 31<sup>st</sup> day of December, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.): (1) to permit a proposed dwelling with a front yard setback of 23 ft. and a rear yard setback of 23 ft. in lieu of the required 30 ft. each; and (2) to amend the Final Development Plan (FDP) of Cedar Lane Farms, Phase 1, Lot 25 only (to reflect the variance relief granted above), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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.

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Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:sln