

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2627 Pot Spring Road)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Councilmanic District		
John Hock	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2014-0137-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, John Hock, for property located at 2627 Pot Spring Road. The Petitioner is requesting Variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (garage) to have a height of 33 ft. in lieu of the allowed 15 ft.

Though originally filed as an Administrative Variance, Aimee and Christopher Smith requested (in a timely fashion) a formal hearing on this matter. The hearing was subsequently scheduled for Wednesday, February 19, 2014 at 1:30 PM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. The file reveals that the Petition was advertised and posted as required by the Baltimore County Zoning Regulations.

There were no substantive Zoning Advisory Committee (ZAC) comments received.

Appearing at the public hearing in support for this case was John Hock, legal owner, Joanne and Samuel Mangione and Thomas J. Hoff, whose firm prepared the site plan. Aimee and Christopher Smith, adjoining neighbors, attended the hearing to obtain further information and clarification concerning the scope of the proposal.

Testimony and evidence revealed that the subject property is approximately 4.52 acres and is zoned RC 6. The property is improved with a large single family dwelling (approximately 7,000 SF) constructed in 2002. Mr. Hock owns and restores vintage automobiles, and would like to construct a large garage on his property to work on the vehicles.

Though the petitions as filed proposed a height of 32', the Petitioner agreed after discussions with his neighbors (reflected in Petitioner's Exhibit 2) to a maximum height of 26'. The Petitioner also made several other concessions regarding the garage placement, and those are also set forth in the letter agreement attached as Exhibit 2.

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).

The Petitioner has met this test. The subject property is irregularly shaped and is therefore unique. The Petitioner would experience a practical difficulty if the regulations were strictly interpreted, since he would be unable to construct a garage that would accommodate his vehicles. The grant of relief would not be injurious in any way to the community.

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

THEREFORE, IT IS ORDERED, this 26th day of February, 2014 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an accessory building (garage) to

have a maximum height of 26 ft. in lieu of the allowed 15 ft., 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 his 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.
- The garage shall be constructed in accordance with the elevations marked and admitted as Petitioner's Exhibit 2, and shall be located on the subject property as reflected on the redlined site plan (with a revision date of 2/24/14) marked and admitted as Petitioner's Exhibit 4.
- The Petitioner shall make good faith efforts to reach agreement with Aimee and Christopher Smith concerning any plantings or screening proposed between the garage and the property line shared by the parties.

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