

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(15 Meadow Road)		
9 th Election District	*	OF ADMINISTRATIVE
2 nd Council District		
Tred Avon Capital Trust	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2015-0166-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§400.1 and 1B02.3.C.1: (1) to permit a rear yard setback for a proposed addition to be as little as 15 ft. in lieu of the required 40 ft.; and (2) to permit a detached accessory structure/pavilion to be partially in the side 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 as Petitioner’s Exhibit 2.

Appearing at the public hearing in support of the request was Cynthia Egan. Lawrence E. Schmidt, Esq. appeared and represented the Petitioner. Two adjacent neighbors attended to obtain further details regarding the requests, but neither expressed opposition. The Petition was advertised and posted as required by the B.C.Z.R. A Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not object to the request, and noted that the subject property is within the Ruxton Riderwood Lake Roland (RRLR) Design Area. Even so, as also noted by DOP, the proposed addition of 1,694 square feet is less than 50% of the existing square footage of the dwelling (4,582 sq. ft.), so Design

Review Panel (DRP) review is not required. Baltimore County Code §32-4-203(a)(4)(ii).

The subject property is approximately 1.25 acres and is zoned D.R. 2. The property is improved with a large dwelling constructed in 1942. Petitioner proposes to construct an addition at the rear of the dwelling to provide for a larger kitchen, bathroom and bedroom space.

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 property is irregularly shaped (i.e., the lot is very wide but shallow) and is therefore unique. If the B.C.Z.R. were strictly interpreted, Petitioner would experience a practical difficulty, given it would be unable to construct the proposed improvements. 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 demonstrated by the lack of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 10th day of April, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §§400.1 and 1B02.3.C.1: (1) to permit a rear yard setback for a proposed addition to be as little as 15 ft. in lieu of the required 40 ft.; and (2) to permit a detached accessory structure/pavilion to be partially in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that

proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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

JEB: sln

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County