

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
<b>(2501 Smith Avenue)</b>		
3 <sup>rd</sup> Election District	*	OF ADMINISTRATIVE
2 <sup>nd</sup> Council District		
Aaron Juni & Rena May	*	HEARINGS FOR
<i>Legal Owners</i>		
Petitioners	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2015-0171-A</b>

\* \* \* \* \*

**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 owners of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §400.1 to permit an accessory structure (shed) in the side and front yard of a single family dwelling on a corner lot in lieu of the required third of the lot that is farthest removed from the side street. The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioners’ Exhibit 1.

Owner Rena May appeared in support of the petition. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. There were no substantive Zoning Advisory Committee (ZAC) comments received.

This matter is currently the subject of a violation case (Case No. CB1500025) before the Office of Administrative Hearings, and a copy of the Code Enforcement file was made a part of the zoning hearing file. A correction notice was issued to Petitioners for undertaking construction activity without proper permits. Petitioners were instructed to seek zoning relief, and the violation case was stayed pending the outcome of this matter.

The subject property is approximately 10,624 square feet and is zoned DR-5.5. The

property is improved with a single family dwelling, situated at the intersection of Smith and Greenspring Avenues. Petitioners hired a contractor to construct a shed on their property, but a complaint was filed by their neighbor and a County inspector informed Petitioners they needed a variance to keep the shed in its current location.

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).

Petitioners have met this test. The lot is irregularly shaped and is situated at the intersection of two public streets. As such it is unique. If the B.C.Z.R. were strictly interpreted, Petitioners would experience a practical difficulty, given they would be unable to keep the shed in its current location.

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. Indeed, the owners submitted a petition signed by their adjoining neighbors, all of whom requested Petitioners be allowed to “keep their shed in its current location.” In addition, the original complainant in the case (Larry Fried) submitted a letter stating he would “like to rescind” his complaint/opposition.

THEREFORE, IT IS ORDERED, this 20<sup>th</sup> 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 to permit an accessory structure (shed) in the side and front yard of a single family dwelling on a corner lot in lieu of the required

third of the lot that is farthest removed from the side street, be and is hereby GRANTED.

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