

**IN RE: PETITION FOR VARIANCE**  
**(609 Oak Hill Road)**  
1<sup>st</sup> Election District  
1<sup>st</sup> Council District  
Donald R. Anderson  
Petitioner

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BEFORE THE OFFICE  
OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
**CASE NO. 2014-0270-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 Donald Anderson, the legal owner of the subject property. The Petitioner is requesting variance relief from §1B02.3.C.1 of Baltimore County Zoning Regulations (B.C.Z.R.) to allow an addition with a side yard setback of 14 ft. and sum of both sides of 29 ft.<sup>1</sup> in lieu of the required 25 ft. and 40 ft. 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 request was Donald Anderson. The Petition was advertised and posted as required by the B.C.Z.R. 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 property is approximately 9,600 square feet and is zoned DR 2. The Petitioner proposes to construct an addition on the rear of his home. At this point, Petitioner is unsure whether the builder will construct the addition to the same width as the existing dwelling or 1 ft. narrower on both sides; that will depend upon a structural analysis of the home’s foundation.

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<sup>1</sup> The Petition was amended slightly at the hearing based upon the measurements shown on the site plan. As such, the Order which follows contains different measurements than originally proposed.

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 narrow and deep, and Petitioner must contend with existing site conditions. As such, the property is unique. Petitioner would experience a practical difficulty if the regulations were strictly interpreted, because he would be unable to construct the proposed addition. The variance can be granted in harmony with the B.C.Z.R. and without negatively impacting the health, safety and welfare of the community. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 4<sup>th</sup> day of August, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulation (B.C.Z.R.) §1B02.3.C. to allow an addition with a side yard setback of 13 ft. and sum of both sides of 27 ft. in lieu of the required 25 ft. and 40 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.

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

JEB:sln

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