

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(6017A Loreley Beach Road)		
11 th Election District	*	OF ADMINISTRATIVE
2 nd Council District		
Gene N. and Shelley A. Ensor	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2015-0068-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 owners of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §415A.1.A to permit a recreational vehicle (travel trailer) to be stored in the front yard in lieu of the required 8 ft. behind the front foundation line. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

Gene and Shelley Ensor appeared in support of the requests. An adjoining neighbor attended the hearing and opposed the request. The Petition was advertised and posted as required by the B.C.Z.R. There were no Substantive Zoning Advisory Committee (ZAC) comments received.

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 not met this test. At the hearing, the Petitioners did not present any evidence or

argument to establish their property is “unique.” Based on the site plan, it would appear the Petitioner’s lot is rectangular in shape, and similar to others in the neighborhood. Establishing uniqueness is a fundamental requirement in a variance case, and the lack of evidence on this point requires the petition to be denied.

THEREFORE, IT IS ORDERED, this 10th day of November, 2014, 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.”) §415A.1.A to permit a recreational vehicle (travel trailer) to be stored in the front yard in lieu of the required 8 ft. behind the front foundation line, be and is hereby DENIED.

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