

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(605 Rockaway Beach Road)		
15 th Election District	*	OF ADMINISTRATIVE
6 th Council District		
Larry and Vicki Lewis	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2014-0288-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed on behalf of the legal owners of the subject property. The Petition seeks variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 1B02.3.C.1 to permit side yards of 9 ft. with a sum of 18 ft. in lieu of the required 10 ft. and 25 ft., respectively. 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.

Appearing at the public hearing in support of the request was Larry and Vicki Lewis. David Billingsley with Central Drafting & Design, Inc., whose firm prepared the site plan, assisted the Petitioners. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received.

The property is approximately 0.264 acres and is zoned DR 3.5. The property is improved with a single family dwelling that was constructed in 1980. The Petitioners would like to raze the existing home and construct in its place a modern single family dwelling. To do so requires variance relief.

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 waterfront property is narrow and deep (50' x 235') and was created by plat dated September 9, 1915. Exhibit 5. As such the property is unique. The Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would be unable to construct a modern single family dwelling on the lot. I believe 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 lack of community and/or county opposition.

THEREFORE, IT IS ORDERED, this 30th day of September, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from B.C.Z.R. § 1B02.3.C.1 to permit side yards of 9 ft. with a sum of 18 ft. in lieu of the required 10 ft. and 25 ft., respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners 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.

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln