

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(1201 North Point Road)		
12 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
Antoinette Coco & Bruce Worley	*	HEARINGS FOR
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners		
	*	CASE NO. 2016-0141-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 Antoinette Coco and Bruce Worley, owners of the subject property (“Petitioners”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §301.1 to permit an existing open projection (wrap-around wooden porch) with a side setback of 4 ft. in lieu of the minimum required 7.5 ft. A site plan was marked as Petitioners’ Exhibit 1.

Joseph Coco, Petitioners’ son, appeared in support of the Petition. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is approximately 7,003 square feet and is zoned DR 5.5. The property is improved with a small (924 sq. ft.) single family dwelling constructed in 1949. The site is currently the subject of Violation Case # CC15110741. The Petitioners’ son explained he constructed a small porch at the subject property and was unaware a building permit was needed to do so.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate

- variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The subject property is narrow (50 ft.) and deep (approximately 127 ft.) and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be required to raze the porch. 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 Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 24th day of February, 2016, 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.”) to permit an existing open projection (wrap-around wooden porch) with a side setback of 4 ft. in lieu of the minimum required 7.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners 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.

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

JEB:/sln