

IN RE: <b>PETITIONS FOR SPECIAL HEARING</b> *	BEFORE THE
<b>AND VARIANCE</b>	
(11110 Reynolds Road) *	OFFICE OF
11 <sup>th</sup> Election District	
5 <sup>th</sup> Council District *	ADMINISTRATIVE HEARINGS
Carly & Samuel Fisher	
	FOR BALTIMORE COUNTY
<b>Petitioners</b>	
	<b>Case No. 2015-0260-SPHA</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed accessory structure which will be larger than the principle dwelling. In addition, a Petition for Variance seeks relief to permit a proposed accessory structure to have a height of 28 ft. in lieu of the maximum allowed height of 15 ft.

Appearing at the public hearing in support of the requests was Jeff Laughery, the builder for the project. No Protestants or interested citizens attended. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), and will be included as conditions in the Order below.

**PETITION FOR SPECIAL HEARING**

The property is improved with a large single family dwelling, which has a ground floor area of 1,350 square feet. The proposed garage would have a ground floor area of 1,620 square feet, which is only slightly larger than the dwelling. Photos reveal the site entirely wooded, and

thus the special hearing relief will not be detrimental in any way to the community, and the petition will be granted.

VARIANCE

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 property has irregular dimensions and is therefore unique. If the B.C.Z.R. were strictly interpreted, Petitioners would experience a practical difficulty, given they would be unable to construct a garage that would accommodate their R.V. 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 absence of County and/or community opposition.

THEREFORE, IT IS ORDERED this 15<sup>th</sup> day of July, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations to permit a proposed accessory structure which will be larger than the principle dwelling, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a proposed accessory structure to have a height of 28 ft. in lieu of the maximum allowed height of 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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.
2. Petitioners must comply with the ZAC comments of the DOP as set forth in the memorandum dated June 10, 2015 which is attached hereto.

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