

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
<b>(2827 Florida Avenue)</b>		
13 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
1 <sup>st</sup> Council District		
Matthew T. Dabbs	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	<b>CASE NO. 2016-0160-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Matthew T. Dabbs, owner of the subject property (“Petitioner”). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 400.1 as follows: (1) to permit an existing shed/garage (accessory structure) located in front yard in lieu of the required rear yard; and (2) to permit a front yard setback of 9’ 4” in lieu of the required 25 ft. minimum. A site plan was marked as Petitioner’s Exhibit 1.

Matthew T. Dabbs 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. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Both agencies opposed the requests.

The subject property is approximately 6,250 square feet and is zoned DR 5.5. The site is currently the subject of Violation Case # CC1514189.

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).

Petitioner has not met this test. No evidence was presented to establish the property is unique, and under Maryland law variances “are rarely appropriate.” Cromwell, 102 Md. App. At 711.

THEREFORE, IT IS ORDERED, this **15<sup>th</sup>** day of **March, 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.”) § 400.1 as follows: (1) to permit an existing shed/garage (accessory structure) located in front yard in lieu of the required rear yard; and (2) to permit a front yard setback of 9’ 4” in lieu of the required 25 ft. minimum, be and is hereby DENIED.

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

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB/sln