

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(603 Shirley Manor Road)		
4 th Election District	*	OF ADMINISTRATIVE
2 nd Council District		
Noe Isidro Hernandez Reyes	*	HEARINGS FOR
<i>Legal Owner</i>	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0303-A
Petitioner	*	
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Noe Isidro Hernandez Reyes, owner of the subject property (“Petitioner”). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1B02.3.B to permit an addition to the principal dwelling with a side yard setback of 9 ft. and a combination of side setbacks of 20 ft. in lieu of the required 10 ft. and 25 ft., respectively. A site plan was marked as Petitioner’s Exhibit 1.

Owner Noe Isidro Hernandez Reyes, appeared in support of the Petition. Several neighbors 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 from any of the County agencies.

The subject property is approximately 8,418 square feet and zoned DR 3.5. The property is improved with a single-family dwelling, purchased last year by Petitioner. At present, Petitioner has begun construction of an addition to the dwelling, and was informed that building permits and zoning relief are required to complete the project.

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. There was no evidence presented which would establish the property is unique, and from a review of the photos in the file it appears the lot and dwelling are similar to others in the neighborhood.

THEREFORE, IT IS ORDERED, this 3rd day of August, 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.”) §1B02.3.B to permit an addition to the principal dwelling with a side yard setback of 9 ft. and a combination of side setbacks of 20 ft. in lieu of the required 10 ft. and 25 ft., respectively, 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