

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(16 Roberts Avenue)		
1 st Election District	*	OF ADMINISTRATIVE
1 st Council District		
The Gospel Church in Action, Inc.	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0046-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by The Gospel Church in Action, Inc., owner of the subject property (“Petitioner”). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to permit a proposed single-family dwelling on a lot 50 ft. wide with side yard setbacks of 8 ft. in lieu of the minimum required width of 55 ft. and side yard setbacks of 10 ft. A site plan was marked as Petitioner’s Exhibit 1.

Gene Bradford appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the County agencies.

The subject property is approximately 6,291 sq. ft. and is zoned DR 5.5. This is a lot of record, created by the plat of Winters Heights recorded in 1924 at plat book 7/144. The lot, as are most others in the subdivision, is 50 ft. wide and is unimproved. Petitioner proposes to construct a single-family dwelling on the property but requires zoning relief 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).

Petitioner has met this test. The property is narrow and deep and is therefore unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to construct a dwelling on the lot. 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 community opposition.

THEREFORE, IT IS ORDERED, this 3rd day of **October, 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 a proposed single-family dwelling on a lot 50 ft. wide with side yard setbacks of 8 ft. in lieu of the minimum required width of 55 ft. and side yard setbacks of 10 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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