

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(3345 Washington Blvd.)		
13 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
1 <sup>st</sup> Council District		
Blind Industries and Services of Maryland	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2017-0025-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Blind Industries and Services of Maryland, 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 front yard setback of 12 ft. in lieu of the required 25 ft. A site plan was marked as Petitioner’s Exhibit 1.

E. Lee Nicol and professional engineer Rick Richardson 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. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). Neither agency opposed the request.

The subject property is approximately 10.48 acres and is zoned ML-IM. The site was previously used as a warehouse and shipping facility for the Coca Cola Company. Petitioner acquired the property in 2006 and has manufacturing and storage operations on the large site. Petitioner proposes to construct a 5,000 sq. ft. (40' x 125') storage building on the property adjacent to the loading dock area. Due to the unique orientation of the principal building and the loading dock area, the proposed structure would be situated close to the property boundary, necessitating

variance relief.

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 large property is irregularly shaped and there are topographical features along the eastern portion of the site. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to construct the storage building in a location that can be accessed conveniently. 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.

As noted in the DOP's ZAC comment, the applicable front yard setback is 25 ft. (not 30 ft. as stated in the Petition). The petition was amended to correct this error.

THEREFORE, IT IS ORDERED, this 29<sup>th</sup> day of September, **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 front yard setback of 12 ft. in lieu of the required 25 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.

2. Petitioner must provide landscaping at the site as determined in the sole discretion of the Baltimore County landscape architect.

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