

IN RE: PETITION FOR VARIANCE
(12 Oakwood Road)
12th Election District
7th Councilman District
Jennifer Rennebu, *Legal Owner*
Petitioner

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BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2014-0091-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Jennifer Rennebu, the legal owner of the subject property. The Petitioner is requesting variance relief from Section 1B02.3.C.2.c of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition (greenhouse) with a side yard setback of 5 ft. in lieu of the required 25 ft. to the right-of-way line of a corner lot. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the public hearing in support of the requests was Jennifer Rennebu and Stephen Luckett. Several neighbors attended the hearing to express support for the Petitioner, and their names are included in the case file. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance at the hearing.

There were no Substantive Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 7,600 square feet and is zoned DR 5.5. The Petitioner proposes to construct a greenhouse on the side of her home for growing fruits and vegetables. The greenhouse would be largely constructed of windows, and photos in the file indicate that the structure will not present line of sight problems

for motorists.

Based upon the testimony and evidence presented, I will grant the petition for 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).

Petitioner has met this test. The single family dwelling was constructed in 1927, long before adoption of the B.C.Z.R. As such, the property is unique.

If the B.C.Z.R. were strictly interpreted, the Petitioner would indeed suffer a practical difficulty, given she would be unable to construct the proposed greenhouse to provide organic foods for her family. 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 County agency opposition and the strong support of the majority of Petitioner's neighbors, who submitted letters of support and signed a petition. Exhibits 2 & 3. One of Petitioner's neighbors (Christine Baxter) submitted a letter of opposition (which is included in the file) stating the greenhouse would be an "eyesore".

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 20th day of December, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 1B02.3.C.2.c of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition (greenhouse) with a side yard setback of 5 ft. in lieu of the required 25 ft. to the right-of-way line of a corner lot, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said 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