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|--|---|-----------------------------|
| <b>IN RE: PETITION FOR VARIANCE</b>          | * | BEFORE THE OFFICE           |
| <b>(8731 Meadow Heights Road)</b>            |   |                             |
| 2 <sup>nd</sup> Election District            | * | OF ADMINISTRATIVE           |
| 4 <sup>th</sup> Council District             |   |                             |
| Abraham & Alice Prasadu, <i>Legal Owners</i> | * | HEARINGS FOR                |
| Carolyn Robinson-Owens &                     |   |                             |
| Darryl W. Owens, <i>Contract Purchasers</i>  | * | BALTIMORE COUNTY            |
| Petitioners                                  |   |                             |
|  | * | <b>CASE NO. 2015-0065-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 Abraham & Alice Prasadu, the legal owners of the subject property and Carolyn Robinson-Owens & Darryl W. Owens, contract purchasers (“Petitioners”). Petitioners request Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §432A.1.C as follows: (1) to permit two (2) parking spaces in front yard driveway area in lieu of the off street parking requirement of rear and side yard parking only; and (2) to permit zero ft. (0 ft.) setback from the side lot line for parking spaces in lieu of the ten ft. (10 ft.) setback requirement. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

Appearing at the public hearing in support of the request was Carolyn Robinson-Owens. Priscilla K. Carroll, Esquire represented the Petitioners. The Petition was advertised and posted as required by the B.C.Z.R. There were no Protestants or interested citizens in attendance. A substantive Zoning Advisory Committee (ZAC) comment was submitted by the DOP, which did not object to the request.

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).

Petitioners have met this test. The existing single family dwelling was constructed nearly fifty years ago, and the driveway and lot configuration have not changed since that time. As such, Petitioners must contend with existing site conditions and the property is therefore unique. If the B.C.Z.R. were strictly interpreted, the Petitioners would suffer a practical difficulty, given they would be unable to continue using the parking area as currently configured. 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 and/or community opposition.

As explained at the hearing, this request concerns only the parking requirements found in B.C.Z.R. §432A (“Assisted-Living Facility; Housing for the Elderly). The Petitioners understand that to operate an ALF-I on the premises they will need to obtain all required state permits and licenses, as well as a use permit from the Department of Permits, Approvals and Inspections (PAI) and a “compatibility finding” from the DOP.

THEREFORE, IT IS ORDERED, this 6<sup>th</sup> day of November, 2014, 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.”) §432A.1.C as follows: (1) to permit two (2) parking spaces in front yard driveway area in lieu of the off street parking requirement of rear and side yard parking only; and (2) to permit zero ft. (0 ft.) setback from the side lot line for parking spaces in lieu of the ten ft. (10 ft.) setback requirement, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The zoning relief granted herein is expressly conditioned upon Petitioners obtaining all requisite state permits and licenses, and a compatibility finding and use permit from Baltimore County.

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

JEB:sln

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County