

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
<b>(424 Katherine Avenue)</b>		
15 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
6 <sup>th</sup> Council District		
Robert Reiner & Claire Piltz	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2015-0084-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 the legal owners of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1B01.C.1 as follows: (1) to permit a proposed house with a side setback of 5 ft. and the sum of 11 ft. in lieu of the minimum side setback of 10 ft. and the sum of 25 ft.; and (2) to permit an existing lot with a lot width of 50 ft. in lieu of the minimum required lot width of 70 ft. 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.

Robert Reiner & Claire Piltz appeared in support of the requests. There were no Protestants or interested citizens in attendance at the hearing. The Petition was advertised and posted as required by the B.C.Z.R. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is approximately 0.235 acres and is zoned DR 3.5. The waterfront lot is unimproved, and Petitioners propose to construct a single family dwelling on the lot.

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. This waterfront lot is narrow and deep (50' x 188') and was created by a plat recorded in 1919. As such, the property is unique. If the B.C.Z.R. were strictly interpreted, Petitioners would suffer a practical difficulty, given they would be unable to construct a single family dwelling on the lot. 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.

THEREFORE, IT IS ORDERED, this 21<sup>st</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.") §1B01.C.1 as follows: (1) to permit a proposed house with a side setback of 5 ft. and the sum of 11 ft. in lieu of the minimum side setback of 10 ft. and the sum of 25 ft.; and (2) to permit an existing lot with a lot width of 50 ft. in lieu of the minimum required lot width of 70 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

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