

**IN RE: PETITION FOR VARIANCE**  
**(1300 Shore Road)**  
15<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
Scott Copinger  
Petitioner

\* BEFORE THE  
\* OFFICE OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* **CASE NO. 2015-0107-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owner, Scott Copinger, for property located at 1300 Shore Road. The Petitioner is requesting variance relief from Section 417.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed pier with a 0 ft. setback to the divisional property line in lieu of the minimum 10 ft.

A hearing was held on Thursday, February 26, 2015 at 11:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. Scott Copinger and Bernadette Moskunas from Site Rite Surveying attended in support of the request. Neighbor, Joanna Esty supports the request. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS) dated January 16, 2015.

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The subject property (zoned DR 5.5) is approximately 13,312 square feet and is improved with a single family dwelling.

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 shoreline of Petitioners property is irregular itself as well as in relation to its adjacent neighbor.

Petitioner would experience a practical difficulty if the regulations were strictly interpreted, as there are already existing piers at approximately the same angle from the shore as the proposed pier. Without the requested variance Petitioner would be unable to construct his pier in harmony with the adjacent piers that are already in the immediate area. I also believe the variance can be granted without a detrimental impact upon the community.

Finally, in order to align his new pier in harmony with those of his neighbors, the proposed pier will, of necessity, cross the division line with the property owned by adjacent neighbor Joanna Esty, who resides at 1216 Shore Road. Letters were submitted both from Ms. Esty and Lou and Ann Workmeister (who are the other adjacent neighbors), agreeing to and supporting Petitioners requests. Presuming Petitioners request meets all other standards, the building engineer should grant the Petitioners request for a permit to construct the proposed pier.

THEREFORE, IT IS ORDERED, this 3<sup>rd</sup> day of March, 2015 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from B.C.Z.R. § 417.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed pier with a 0 ft. setback to the divisional property line in lieu of the minimum 10 ft., be and is hereby GRANTED, and

IT IS FURTHER ORDERED that Petitioners plans be submitted to the Building Engineer

to issue an appropriate permit consistent with this Opinion and Order.

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 his 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. Prior to issuance of permits, Petitioner must comply with the Department of Environmental Protection and Sustainability ZAC comment dated January 16, 2015, a copy of which is attached hereto and incorporated herein.

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

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Signed \_\_\_\_\_  
LAWRENCE M. STAHL  
Managing Administrative Law Judge for  
Baltimore County

LMS:sln