

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(2532 Farringdon Road)		
3 rd Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Nora Zadbeh & Eliyahu Nourmand	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2015-0257-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owners, Nora Zadbeh & Eliyahu Nourmand, for property located at 2532 Farringdon Road. The Petitioners are requesting variance relief from Sections 1B02.3.C.2 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed open projection (deck) with a rear yard setback of 15 ft. in lieu of the permitted 22.5 ft.

This matter was originally filed as an Administrative Variance, with a closing date of June 15, 2015. On June 8, 2015, Martin and Margie Koretzky (neighbors) requested a formal hearing. A hearing was held on Thursday October 22, 2015 at 1:30 PM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. Eliyahu Nourmand attended in support of the request and the neighbors attended the hearing and opposed the request. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no substantive Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 7,524 square feet and is zoned DR 5.5. The property is improved with a single family dwelling, and Petitioners have in the last year renovated and expanded the home. Petitioners would like to construct a deck in the rear yard to provide a place for their children to play. Their neighbors oppose the request

and stated that the proposed deck would be too close to their home and would constitute an invasion of their privacy.

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).

Petitioners have not met this test. Although I believe the Petitioners have a genuine need for the deck to provide an outdoor recreation space for their children, there was no testimony or evidence presented to establish that the property is unique. This is an indispensable element under Maryland law, and the Petition must therefore be denied.

THEREFORE, IT IS ORDERED, this 27th day of October, 2015 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Sections 1B02.3.C.2 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed open projection (deck) with a rear yard setback of 15 ft. in lieu of the permitted 22.5 ft., be and is hereby DENIED.

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