

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
<b>(3 Jameson Lane)</b>		
2 <sup>nd</sup> Election District	*	OF ADMINISTRATIVE
2 <sup>nd</sup> Council District		
Karlene Jacobs	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2016-0095-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 Karlene Jacobs, owner of the subject property (“Petitioner”). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §432A.1.C.1 & 2 to permit parking spaces to be located in the front yard in lieu of the required rear yard and in the side yard 3 ft. from the property line in lieu of the required 10 ft.. A site plan was marked as Petitioner’s Exhibit 1.

Karlene and Michael Jacobs appeared in support of the petition. Mr. and Mrs. Custis, neighbors, attended the hearing and opposed the request. 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 7,754 square feet and is zoned DR 3.5. The property is improved with a single family dwelling, which Petitioner has owned for approximately 20 years. Petitioner proposes to operate a 4-bed Assisted Living Facility (ALF) in the residence, but requires variance relief before she can seek further county and state approvals.

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).

Petitioner has not met this test. There was no evidence presented at the hearing to establish that the property is unique, and based on the site plan it would appear as if the Petitioner's property is similar in size and configuration to other homes in the community.

THEREFORE, IT IS ORDERED, this **18<sup>th</sup>** day of **December, 2015**, 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.1 & 2 to permit parking spaces to be located in the front yard in lieu of the required rear yard and in the side yard 3 ft. from the property line in lieu of the required 10 ft., be and is hereby DENIED.

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