

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(1114 Lower Glencoe Road)	*	OFFICE OF
8 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
Janice C. Spencer	*	FOR BALTIMORE COUNTY
<i>Legal Owner</i>		
Petitioner	*	Case No. 2017-0319-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Janice C. Spencer, legal owner (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit the footprint of an accessory structure (garage) to be larger than the footprint of the principal structure (dwelling). In addition, a Petition for Variance was filed seeking the following: (1) to permit an accessory structure (garage) to be located in the side and front yards in lieu of the required rear yard; and (2) to permit an accessory structure (garage) with a height of 25 ft. in lieu of the required 15 ft. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Surveyor Bruce E. Doak and Joseph Spencer appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Department of Environmental Protection and Sustainability (DEPS). Neither agency opposed the requests.

The subject property is 3.55 acres in size and zoned RC-7. The property is improved with a single-family dwelling constructed in 1994, and is shown as Lot 14 on the Plat of Glencoe Oaks, marked and admitted as Exhibit 2. Petitioner proposes to construct a detached garage to store his automobile collection, although variance relief is required given the configuration and topography of the site.

VARIANCES

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).

The property has an irregular shape and a significant grade change across the lot. As such it is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because she would be unable to construct the proposed garage. Finally, I find that the variances 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 community and/or Baltimore County opposition. As Mr. Doak noted (and this point was also mentioned in the DOP ZAC comment), the lot is heavily wooded and the dwelling (and proposed garage) is not visible from the roadway. As such, I do not believe the variance and/or special hearing relief will have any detrimental impact upon the community.

THEREFORE, IT IS ORDERED this 17th day of **July, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County

Zoning Regulations (“B.C.Z.R.”) to permit the footprint of an accessory structure (garage) to be larger than the footprint of the principal structure (dwelling), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance filed pursuant to the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows: (1) to permit an accessory structure (garage) to be located in the side and front yards in lieu of the required rear yard; and (2) to permit an accessory structure (garage) with a height of 25 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

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 her 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. The Petitioner or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The garage shall not be used for commercial purposes.

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