

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(2501 Holly Neck Road)		
15 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
Richard & Gloria Bruzdinski	*	HEARINGS FOR
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners		
	*	CASE NO. 2018-0028-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Richard & Gloria Bruzdinski, the legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from §1A04.3.B.2.b of the Baltimore County Zoning Regulations (“B.C.Z.R) to permit a side yard addition with a side setback of 17 ft. in lieu of the required 50 ft., and to permit a side yard deck with a side setback of 31 ft. in lieu of the required 37.5 ft. A site plan was marked as Petitioners’ Exhibit 1.

Richard Bruzdinski and professional engineer William Bafitis appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS).

The site is approximately 3.99 acres in size and split-zoned RC-5 & RC-20. The property is improved with a single family dwelling constructed in 1967. Petitioners need additional living space for their family and propose to enlarge the dwelling. To do so variance relief is required.

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 is narrow and extremely deep and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed additions given the RC-5 setback requirements.

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. Also, this is a large 4 acre lot with only one dwelling, and the proposed additions will not overcrowd the site or impact in any way neighboring properties.

THEREFORE, IT IS ORDERED, this 15th day of **September, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §1A04.3.B.2.b to permit a side yard addition with a side setback of 17 ft. in lieu of the required 50 ft., and to permit a side yard deck with a side setback of 31 ft. in lieu of the required 37.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must prior to issuance of permits comply with the Chesapeake Bay Critical Area Regulations.

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

_____Sunday_____
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln