

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(39 Northwood Road)	*	OFFICE OF
8 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
Dennis Kundratic	*	FOR BALTIMORE COUNTY
<i>Legal Owner</i>		
Petitioner	*	Case No. 2018-0118-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 Dennis Kundratic, legal owner (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to confirm Lot Nos. 51 and 53 (39 Northwood Road) is no longer merged with Lot No. 1 (41 Northwood Road). A petition for variance seeks to permit a lot width of 50 ft. in lieu of the required 55 ft. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Charles Merritt and owners Dennis and Karen Kundratic 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. No substantive Zoning Advisory Committee (ZAC) comments were received.

SPECIAL HEARING

This case was combined for hearing with No. 2018-0117-SPHA; the cases involve adjoining 50’ wide lots in the Yorkshire subdivision. The above case concerns 39 Northwood Road, a 7,500 sq. ft. lot (50’ x 150’) which is improved with a single-family dwelling. Petitioner is not at this time proposing any construction or improvements to the existing dwelling. Instead,

Petitioner essentially seeks to legitimize existing site conditions. As noted in Case No. 2018-0117-SPHA, I do not believe the subject property has merged with the unimproved lot known as 41 Northwood Road.

The single family dwelling at 39 Northwood Road was constructed in 1942, before the adoption of the B.C.Z.R. The property is zoned DR 5.5, and all height and area requirements are satisfied, with the exception of lot width. The lot is 50' wide, while 55' is required in the zone. Even so, this dwelling was constructed lawfully in 1942, and only became nonconforming years later when the 55' lot width requirement was imposed. The dwelling is therefore a nonconforming structure under B.C.Z.R. §104 which may remain, subject to the requirements of that regulation.

THEREFORE, IT IS ORDERED this 29th day of **December, 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 confirm Lot Nos. 51 and 53 (39 Northwood Road) is no longer merged with Lot No. 1 (41 Northwood Road), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking to permit a lot width of 50 ft. in lieu of the required 55 ft., be and is hereby DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the single-family dwelling known as 39 Northwood Road is a lawful nonconforming structure under B.C.Z.R. §104.

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