

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(3721 Lanamer Road)		
2 <sup>nd</sup> Election District	*	OF ADMINISTRATIVE
4 <sup>th</sup> Council District		
Andre F & Barbara A. Brown	*	HEARINGS FOR
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners		
	*	<b>CASE NO. 2018-0132-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Andre F. and Barbara A. Brown, the legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”): (1) to permit a proposed detached accessory structure (open carport) to be located in the side yard in lieu of the required rear yard; and (2) to amend the Final Development Plan (“FDP”) of Travancore Woods, Plat 2, Lot No. 34, only. A site plan was marked as Petitioners’ Exhibit 1.

Andre F. and Barbara A. Brown appeared in support of the petition. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”).

The site is approximately 1.39 acres in size and zoned RC-5. The property is improved with a single family dwelling constructed in 1998. Petitioners propose to install a carport at the end of an existing driveway, although a variance is required to do so.

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 irregularly shaped and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to install the proposed carport. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. The proposed structure is modest in size (14 ft. x 20 ft.) and would not have a negative impact upon the community.

THEREFORE, IT IS ORDERED, this 30<sup>th</sup> day of **January, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the BCZR: (1) to permit a proposed detached accessory structure (open carport) to be located in the side yard in lieu of the required rear yard; and (2) to amend the FDP of Travancore Woods, Plat 2, Lot No. 34, only, 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 comply with the ZAC comment of DEPS, a copy of which is attached hereto and incorporated herein.

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

JEB:dlw

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County