

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(11156 Red Lion Road)		
11 th Election District	*	OF ADMINISTRATIVE
6 th Council District		
Olympic Holdings, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2018-0169-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Olympic Holdings, LLC, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from Section 255.1 and 238.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to allow a 10 ft. rear yard setback in lieu of the required 30 ft. A site plan was marked as Petitioner’s Exhibit 1.

Patrick Collison, Shaun Stallmann and professional engineer Rick Richardson 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 indicating Petitioner must comply with the Forest Conservation Regulations.

The site is approximately 30,303 sq. ft. in size and zoned ML. The property is improved with a commercial building which Petitioner proposes to expand. Petitioner constructs fencing and guardrails for government and commercial entities, and it needs additional office and warehouse space to accommodate its growing business.

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 a very irregular shape and is accessed via a long panhandle drive. As such it is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct the proposed improvements. 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.

THEREFORE, IT IS ORDERED, this 20th day of **February, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§255.1 and 238.2 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to allow a 10 ft. rear yard setback in lieu of the required 30 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 its 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.

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