

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(11115 Hidden Trail Drive)		
3 <sup>rd</sup> Election District	*	OF ADMINISTRATIVE
2 <sup>nd</sup> Council District		
Richard & Nancy Hudes	*	HEARINGS FOR
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners	*	<b>CASE NO. 2018-0188-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 Richard and Nancy Hudes, the legal owners of the subject property (“Petitioners”). The Petition seeks variance relief from Section 400.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit an existing accessory structure (chicken coop) and two (2) accessory buildings (sheds) to be located in the side and front yards in lieu of the required rear yard only. A site plan was marked as Petitioners’ Exhibit 1.

Nancy Hudes appeared in support of the petition, and Stuart Kaplow, Esq. represented the Petitioners. One neighbor attended the hearing to obtain additional information regarding the request. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (“ZAC”) comments were received from any of the reviewing county agencies.

The site is approximately 1.02 acres in size and zoned RC-5. The property is improved with a single family dwelling constructed in 1986. Counsel explained the chicken coop and sheds have been in their present location for at least 13 years (i.e., Petitioners purchased the property in 2003). The petition was filed after an anonymous complaint was filed with the Bureau of Code Enforcement.

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 large lot has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be required to raze or relocate the existing accessory structures. 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. This is demonstrated by the absence of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this **10<sup>th</sup>** day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit an existing accessory structure (chicken coop) and two (2) accessory buildings (sheds) to be located in the side and front yards in lieu of the required rear yard only, be and is hereby GRANTED.

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

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:dlw