

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(4403 Meadowcliff Road)	*	OFFICE OF
11 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
George B. & Ellen M. Antonakos	*	FOR BALTIMORE COUNTY
<i>Legal Owners</i>		
Petitioners	*	Case No. 2018-0278-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 George & Ellen Antonakos, legal owners (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit an accessory apartment addition to a single-family dwelling. A petition for variance seeks to permit a proposed addition with property boundary setbacks of 40 ft. and 20 ft. in lieu of the required 50 ft. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

George and Ellen Antonakos 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.

SPECIAL HEARING

The subject property is approximately 2.6 acres in size and is zoned RC-5. The property is improved with a single-family dwelling constructed in 2001. Petitioners plan to construct an addition to the home to use as an accessory apartment. They would reside in the apartment and their children and spouses would live in the original dwelling. The homes in this rural residential community are spaced a good distance from one another and the subject property also has mature

vegetation. As such, I do not believe the accessory apartment use would have any discernable impact upon the community and the petition for special hearing will be granted.

VARIANCE

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 irregular dimensions and there are steep slopes at the rear of the site. As such the property is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed accessory building. 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 lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED this 5th day of **June, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit an accessory apartment addition, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a proposed addition with property boundary setbacks of 40 ft. and 20 ft. in lieu of the required 50 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. Prior to issuance of permits Petitioners must obtain approval from DEPS, since the property is served by well and septic.
3. Petitioners must file among the land records of Baltimore County the Declaration of Understanding, following approval of same by the Department of Permits, Approvals and Inspections.

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