

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(8111 Duvall Avenue)		
15 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
7 <sup>th</sup> Council District		
John Christou &	*	HEARINGS FOR
Tracy Dofflemyer Christou		
<i>Legal Owners</i>	*	BALTIMORE COUNTY
Petitioners		
	*	<b>CASE NO. 2018-0280-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 John Christou & Tracy Dofflemyer Christou, the legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from §1B02.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed addition with a side setback of 6 ft. in lieu of the required 10 ft. A site plan was marked as Petitioners’ Exhibit 1.

John & Tracy Christou 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 BCZR. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing county agencies.

The site is approximately 9,625 square feet in size and zoned DR 5.5. The property is improved with a single-family dwelling constructed in 1949. The six (6) foot side yard setback referenced in the petition is existing. Petitioners purchased the property in 2002 and they now have three children. To provide additional living space for their family Petitioners propose an addition off the rear of the home; the 6 ft. side yard setback (which is in fact lawfully nonconforming) will be maintained.

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 narrow and long (approximately 50' x 200') and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to provide additional living space for their growing family. 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 8<sup>th</sup> day of **June, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR §1B02.C.1 to permit a proposed addition with a side setback of 6 ft. in lieu of the required 10 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.

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:sln