

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(12 Timber Way Ct.)		
4 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
2 <sup>nd</sup> Council District		
Shirley Alderson	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	<b>CASE NO. 2018-0286-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 Shirley Alderson, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §400.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit an existing shed to remain in the front yard in lieu of the required rear yard placement. A site plan was marked as Petitioner’s Exhibit 1.

Shirley Alderson 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. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). That agency did not oppose the request.

The site is approximately two (2) acres in size and zoned RC-5. The property is improved with a single-family dwelling constructed in 1984. Petitioner hired a contractor to install a concrete pad and 12' x 8' shed on her property. Given the small size of the structure a permit was not required and Petitioner was unaware accessory structures - - even those not requiring permits - - must be located in the rear yard.

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).

Petitioner's lot is triangular in shape and as noted by the DOP (who visited the site) there is a "significant grade change" across the property. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because she would be required to raze or relocate the shed.

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 DOP also noted in its zoning comment the shed is visible from Timber Way Ct., and that agency suggested landscaping be provided to screen the view. This is a reasonable suggestion and a condition to that effect will be included below.

THEREFORE, IT IS ORDERED, this 15<sup>th</sup> day of **June, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 400.1 of the Baltimore County Zoning Regulations ("BCZR") to permit an existing shed to remain in the front yard in lieu of the required rear yard placement, 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 her 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.
2. Within 60 days of the date hereof Petitioner must provide landscaping to screen the view of the shed from Timber Way Ct.

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