

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(6109 Falls Road)		
9 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
2 <sup>nd</sup> Council District		
Byrd Design & Build LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	<b>CASE NO. 2019-0006-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 Byrd Design & Build, LLC, the legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from §409.14.A of the Baltimore County Zoning Regulations (“BCZR”) to allow an existing driveway that is 10 ft. wide to be used as a 2-way access to a proposed parking lot in lieu of the minimum required width of 20 ft. for 2-way traffic. A site plan was marked as Petitioner’s Exhibit 1.

Richard Byrd appeared in support of the petition. Two neighbors attended the hearing and indicated they supported the request. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (“DOP”) and the Bureau of Development Plans Review (“DPR”). Neither agency opposed the request.

The site is approximately 3,770 sq. ft. in size and zoned BL. The property is improved with a single-family dwelling constructed in 1872. Petitioner purchased the property last year and is undertaking substantial renovations. The property will be used as an office/showroom for Petitioner’s home-building 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 dwelling is nearly 150 years old and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to use the property for a business office, a use permitted by right in the BL zone.

THEREFORE, IT IS ORDERED, this 17<sup>th</sup> day of **September, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 409.14.A of the BCZR to allow an existing driveway that is 10 ft. wide to be used as a 2-way access to a proposed parking lot in lieu of the minimum required width of 20 ft. for 2-way traffic, 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.
2. Petitioner must comply with the ZAC comments of the DOP and DPR, copies of which are attached.

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