

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(7623 Carla Road)		
3 <sup>rd</sup> Election District	*	OF ADMINISTRATIVE
2 <sup>nd</sup> Council District		
Rubin & Esther Rakovsky	*	HEARINGS FOR
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners		
	*	<b>CASE NO. 2019-0024-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 Rubin & Esther Rakovsky, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed side setback of 5.5 ft. in lieu of the required 7 ft. and a front yard setback of 28.5 ft. in lieu of the front yard average of 33.4 ft. for a proposed addition. A site plan was marked as Petitioners’ Exhibit 1.

Rubin Rakovsky and architect Donny Ankri appeared in support of the petition. No protestants or interested citizens were 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 County’s reviewing agencies.

The site is approximately 10,530 square feet in size and zoned DR 5.5. Petitioners are in the process of constructing a new single-family dwelling on the lot. They would like to revise their building plans and construct a garage and mudroom addition to the proposed dwelling. To do so requires variance relief.

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 deep and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed addition. 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 County and/or community opposition.

THEREFORE, IT IS ORDERED, this 10<sup>th</sup> day of **October, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a proposed side setback of 5.5 ft. in lieu of the required 7 ft. and a front yard setback of 28.5 ft. in lieu of the front yard average of 33.4 ft. for a proposed addition, 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