

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(914 Lower Glencoe Road)	*	OFFICE OF
8 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
Amy Deputy	*	FOR BALTIMORE COUNTY
<i>Legal Owner</i>		
Petitioner	*	Case No. 2019-0055-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 Amy Deputy, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed accessory structure to be located on a lot without a principle structure. A petition for variance seeks to permit a proposed accessory structure (garage with an attached carport) with a height of 21 ft. in lieu of the maximum height of 15 ft.

Amy Deputy 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 BCZR. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing County agencies.

SPECIAL HEARING

Petitioner’s property is described in her deed as two separate parcels, and she also has two separate tax accounts. Petitioner and her family live in a single-family dwelling immediately adjacent to the parcel on which the proposed garage would be constructed. A special hearing request is typical in such a scenario. The Petitioner indicated the garage would be used as a workshop and perhaps also a small art studio. These are appropriate uses and granting the request

will not have a detrimental impact upon the community, especially since the plan indicates the nearest dwelling is 375 feet from the subject property.

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 subject property is narrow and deep (129' x 263') and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because she would be unable to construct the proposed accessory structure. Finally, I find that the variances 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 County and/or community opposition.

THEREFORE, IT IS ORDERED this 19th day of **November, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the BCZR to permit a proposed accessory structure to be located on a lot without a principle structure, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a proposed accessory structure (garage with an attached carport) with a height of 21 ft. in lieu of the maximum height of 15 ft., 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.

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