

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(2913 Garnet Road)		
9 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
6 <sup>th</sup> Council District		
Zoya Aronova & Juliya Leviyeva	*	HEARINGS FOR
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners		
	*	<b>CASE NO. 2019-0078-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 Zoya Aronova and Juliya Leviyeva, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) to permit a parking setback as close as 0 ft. to the property line in lieu of the required 10 ft. for a proposed Assisted Living Facility (“ALF”) I. A site plan was marked as Petitioners’ Exhibit 1.

Zoya Aronova & Juliya Leviyeva 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 reviewing County agencies.

The site is approximately 7,500 square feet in size and zoned DR 5.5. The property is improved with a single-family dwelling constructed in 1940. The house has five bedrooms: three (3) on the first floor and two (2) on the second floor. The ALF would have a maximum of three (3) patients, all of whom would reside in the bedrooms on the first floor. The site plan shows three off-street parking spaces, which complies with the BCZR: two are required for the dwelling and one for the ALF with three patients. BCZR §409.6.A.1.

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).

This dwelling, and the parking area abutting the property boundary, was constructed over 75 years ago and Petitioners must contend with these conditions. . If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to operate the ALF. 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 7<sup>th</sup> day of **November, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a parking setback as close as 0 ft. to the property line in lieu of the required 10 ft. for a proposed Assisted Living Facility (“ALF”) I, 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.
2. Petitioners must obtain from the Department of Permits, Inspections and Approvals a use permit for the operation of an ALF I.

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