

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(1907 Ridge Road)	*	OFFICE OF
8 th Election District		
2 nd Council District	*	ADMINISTRATIVE HEARINGS
Alexa Gagliardi	*	FOR BALTIMORE COUNTY
<i>Legal Owner</i>		
Petitioner	*	Case No. 2019-0133-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 Alexa Gagliardi, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve an accessory structure (garage) with a footprint larger than the principal dwelling. A petition for variance seeks to permit an accessory structure (garage) with a height of 25 ft. in lieu of the maximum 15 ft.

Alexa Gagliardi and surveyor Bruce Doak 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. The subject property is 2.085 acres in size and zoned RC-5. The property is improved with a single-family dwelling constructed in 1980.

SPECIAL HEARING

Petitioner purchased the property in August 2017. She and her husband collect and restore classic BMW automobiles. The proposed garage would be used to store and work on the vehicles as well as for storage of personal and household items. The property is over two acres in size and is surrounded by mature trees and vegetation. As such I do not believe the accessory structure

would have any discernable impact upon the community, and three neighbors in the immediate vicinity wrote letters supporting the request. Pet. Ex. 5A-C.

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).

As shown on the subdivision plat (Pet. Ex. 2) the property is triangular in shape 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 with a roof line to match the principal dwelling. 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 lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this 2nd day of **January, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the BCZR to approve an accessory structure (garage) with a footprint larger than the principal dwelling, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to Section 400.3 of the BCZR to permit an accessory structure (garage) with a height of 25 ft. in lieu of the maximum 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.
2. The accessory structure (garage) may not be used for commercial purposes.
3. The accessory structure (garage) shall not have a kitchen and/or living quarters.

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