

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(7822 Eastern Blvd.)		
15 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
AI Investments, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0156-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by AI Investments, LLC, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Sections 409.4.A and 409.8.A.5 of the Baltimore County Zoning Regulations (“BCZR”) as follows: (1) to permit a travel way with a width as small as 11' 8" in lieu of the required 20'; and (2) to permit a parking space on a dead-end aisle without sufficient back up area; and (3) to allow 6 parking spaces in lieu of the required 7. A site plan was marked as Petitioner’s Exhibit 1.

Jose Ruiz-Gonzalez appeared in support of the petition. There were no protestants or interested citizens in attendance. 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 requests.

The site is approximately 13,932 square feet in size and is zoned BL. The property is improved with a single family dwelling constructed in 1922. Petitioner recently purchased the property and the dwelling will be converted to an office (accounting-bookkeeping) use, as permitted in the BL zone. This case concerns only the off-street parking for the office.

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 has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to operate the accounting office at the property. 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.

The DPR indicated in its ZAC comment that the parking space along the eastern boundary should be removed. This was discussed at the hearing and the undersigned revised the site plan by striking through the parking space at this location. The variance request for the number of parking spaces will also be revised to reflect the removal of this space. The owners indicated five parking spaces would be sufficient for this small accounting office which sees clients by appointment only.

THEREFORE, IT IS ORDERED, this 14th day of **January, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Sections 409.4.A and 409.8.A.5 of the Baltimore County Zoning Regulations (“BCZR”) as follows: (1) to permit a travel way with a width as small as 11' 8" in lieu of the required 20'; (2) to permit a parking space on a dead-end aisle without sufficient back up area; and (3) to allow 5 parking spaces in lieu of the required 7, 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 his 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. All parking spaces and driveways must have a durable and dustless surface.
3. Petitioner must provide landscaping (to screen off-street parking) to the extent possible, as determined in the sole discretion of the DOP.

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:dlw