

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(18619 Graystone Road)		
7 th Election District	*	OF ADMINISTRATIVE
3 rd Council District		
Ralph Kruger, Jr.	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0158-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Ralph Kruger, Jr., legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 400.3 of the Baltimore County Zoning Regulations (“BCZR”) to permit an existing relocated accessory structure (garage) with a height of 30' in lieu of the maximum 15'. A site plan was marked as Petitioner’s Exhibit 1.

Surveyor Bruce Doak 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. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). That agency did not oppose the request.

The site is approximately 6.450 acres in size and is split-zoned RC-2 & RC-4. The property is improved with a single-family dwelling (constructed in 1878), barn and other outbuildings. The property is listed on the Baltimore County landmarks list (Burns-Bond Farmstead, #186) and as noted in the DOP’s comment the Landmarks Preservation Committee (“LPC”) approved (by issuance of a Certificate of Appropriateness) the proposed relocation of the accessory building.

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 he would be unable to renovate and relocate the historic building. 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 and the support of the LPC.

THEREFORE, IT IS ORDERED, this 7th day of **January, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit an existing relocated accessory structure (garage) with a height of 30' in lieu of the require 15', 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. Petitioner must obtain from Baltimore County an access permit for the proposed driveway accessing Graystone Road.

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