

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(2122 St. Lukes Lane)		
2 nd Election District	*	OF ADMINISTRATIVE
4 th Council District		
2124SL, LLC, <i>Legal Owner</i>	*	HEARINGS FOR
DREAMHOUSE, LLC,		
<i>Contract Purchaser</i>	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2019-0160-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by 2124SL, LLC, legal owner of the subject property, and DREAMHOUSE, LLC, contract purchaser (“Petitioners”). Petitioners are requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit a lot width of 50' in lieu of the required 55' for a new dwelling. A site plan was marked as Petitioners’ Exhibit 1.

Vadim Bakaey and Dave Billingsley 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 13,200 square feet in size and zoned DR 5.5. The property is unimproved and the contract purchaser proposes to construct a new single family dwelling on the lot.

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 lot is narrow and deep (50' x 264') and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the new 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 absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this **11th** day of **January, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit a lot width of 50' in lieu of the required 55' for a new dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

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