

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(541 Compass Road)		
15 th Election District	*	OF ADMINISTRATIVE
6 th Council District		
Ralph, Jr. & Karen Krach	*	HEARINGS FOR
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners		
	*	CASE NO. 2019-0166-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 & Karen Krach, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Section 415A.1.A of the Baltimore County Zoning Regulations (“BCZR”) to permit a recreational vehicle to be parked in the front and side yards in lieu of the side yard at least eight (8) feet to the rear of the front foundation line of the dwelling, and a side yard setback of 0 feet in lieu of the minimum required 2.5 feet. A site plan was marked as Petitioners’ Exhibit 1.

Ralph & Karen Krach and 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 opposed the request.

Petitioners have owned and lived in the subject property for more than 20 years. They owned an RV previously, and for several years it was kept (without complaint) in the same location as their current RV which they acquired recently. Shortly after acquiring their new motor home an anonymous complaint was filed with code enforcement, and Petitioners were instructed to seek zoning relief.

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 Petitioners' lot is narrow and their home was constructed in 1942. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to park the RV on their 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.

The DOP noted (correctly) that parking the RV in the proposed location "creates a stockade like visual experience as viewed from #539 Compass Road." Petitioners however also own the property at 539 Compass Road, and their granddaughter lives in that dwelling. She, in addition to all adjoining neighbors and the owners directly across the street, submitted a letter supporting the zoning request. Pets. Ex. 5. As such I do not believe granting the request would have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED, this **19th** day of **February, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 415A.1.A of the Baltimore County Zoning Regulations ("BCZR") to permit a recreational vehicle to be parked in the front and side yards in lieu of the side yard at least eight (8) feet to the rear of the front foundation line of the dwelling, and a side yard setback of 0 feet in lieu of the minimum required 2.5 feet, 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.
- No recreational vehicle, boat, trailer or similar vehicle in excess of 27 ft. (length) may be kept at the property.

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