

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(1111 Gladway Road)		
15 th Election District	*	OF ADMINISTRATIVE
6 th Council District		
Julio & Sheila Vazquez	*	HEARINGS FOR
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners		
	*	CASE NO. 2019-0181-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Julio & Sheila Vazquez, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) to permit an existing shed partially located in the side yard in lieu of the required rear yard. A site plan was marked as Petitioners’ Exhibit 1.

Rebecca Lamarr 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 from the Department of Planning (“DOP”). That agency did not oppose the request.

The site is approximately 14,000 sq. ft. in size and zoned DR-2. The property is unimproved with a single-family dwelling which Petitioners purchased in 2000. Petitioners recently purchased a pre-built shed (12' x 24') and had it installed in their yard. Upon inspection during the building permit process it was determined the structure was located (partially) in the side yard. Petitioners were instructed to seek variance 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 property is nearly three times as wide as it is deep (i.e., 200' x 70'). As such it is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be required to raze or relocate the shed. 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 testimony summarized above and the absence of County/community opposition.

THEREFORE, IT IS ORDERED, this 1st day of **March, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit an existing shed partially located in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- (1) 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/sln