

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(8042 Bradshaw Road)		
11 th Election District	*	OF ADMINISTRATIVE
5 th Council District		
KariAnn Scavuzzo-Knoedler	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0205-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by KariAnn Scavuzzo-Knoedler, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed 1 story addition to an existing dwelling with a side yard setback of 19 ft. in lieu of the required 50 ft. A site plan was marked as Petitioner’s Exhibit 1.

KariAnn Scavuzzo-Knoedler appeared in support of the petition. Jennifer Busse, Esq. represented Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (“ZAC”) comments were received from County reviewing agencies.

The site is approximately 0.433 acres in size and is zoned RC-5. The property is improved with a single family dwelling constructed in 1958. Petitioner proposes to construct a 1 story addition (16' x 26') to provide additional living space. The addition would be located 19 feet from the property boundary, which necessitated the filing of the zoning petition.

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 situated at the end of a panhandle driveway and has irregular dimensions. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because she would be unable to complete the proposed addition. 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 29th day of **March, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed addition to an existing dwelling with a side yard setback of 19 ft. in lieu of the required 50 ft., 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 her 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.

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