

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(9335 Ravenridge Road)		
9 th Election District	*	OF ADMINISTRATIVE
3 rd Council District		
Frank & Barbara Grosso	*	HEARINGS FOR
<i>Legal Owners</i>		
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0226-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Frank & Barbara Grosso, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Section 400.1 of the Baltimore County Zoning Regulations (“BCZR”): (1) to permit an accessory building (shed) to be located in the side yard in lieu of the permitted rear yard only; and (2) to permit an amendment to the latest Final Development Plan (“FDP”) for Cromwell Woods Extension, Plat 2, Lot 51 only. A site plan was marked as Petitioners’ Exhibit 1.

Frank Grasso and Rick Brace 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 21,213 square feet in size and is zoned DR 1. The property is improved with a single-family dwelling constructed in 2018. Petitioners’ rear yard contains steep slopes and a retaining wall. As such, the side yard was the only practical location for the shed.

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).

As noted, the lot has a significant grade change in the rear yard and thus the property 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. I believe this is especially the case here since the small shed structure is new and attractive and as shown in a photo submitted by Petitioners the shed is obscured from view by mature trees and vegetation.

The DOP suggested the shed should be at least 50 ft. from Ravenridge Road. According to the site plan the shed is 35.5' from the road, which in fact complies with the 35 ft. principal building setback shown thereon. In these circumstances I believe the current location of the shed (which is admittedly not a "principal building") is appropriate.

THEREFORE, IT IS ORDERED, this 22nd day of **July, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations: (1) to permit an accessory building (shed) to be located in the side yard in lieu of the permitted rear yard only; and (2) to permit an amendment to the latest Final Development Plan ("FDP") for Cromwell Woods Extension, Plat 2, Lot 51 only, to reflect the relief granted herein, be and is hereby GRANTED.

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