

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(21051 Slab Bridge Road)	*	OFFICE OF
6 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
Anthony & Margaret Corcoran	*	FOR BALTIMORE COUNTY
<i>Legal Owners</i>		
Petitioners	*	Case No. 2019-0292-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Anthony and Margaret Corcoran, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”): (1) to approve a septic reserve area in a zone different than the principal dwelling per Section 1A00.5.b of the Baltimore County Zoning Commissioners Policy Manual (“ZCPM”); and (2) to approve a portion of proposed Lot 3 as non-density and non-buildable in the RC 2 zone. In addition, a Petition for Variance was filed to allow existing agricultural buildings to be located in the side and front yards in lieu of the rear yard and to have a height exceeding 15 ft. in lieu of the maximum height of 15 ft. per Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (“BCZR”). A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

Chris Corcoran and surveyor Bruce Doak appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”) and the

Bureau of Development Plans Review (“DPR”). Both agencies identified items Petitioners will be required to address during the subdivision process but neither opposed the zoning requests.

SPECIAL HEARING

The property at issue in this case is a 15.57 acre tract in the Freeland area of northern Baltimore County. The property is split-zoned RC 2/RC 8 and is improved with a single-family dwelling constructed in 1835, along with several outbuildings and accessory structures. Petitioners are in the process of obtaining approval for a minor subdivision which would create a total of three lots on the tract. Given the split-zoning and the location of certain of the accessory structures, zoning relief is required before the subdivision can be approved.

The Special Hearing contains two requests, both of which pertain to items in the ZCPM. Zone lines often bisect large tracts of land in the rural portion of the County. Granting the requests to have a septic field in a different zone than the single family dwelling to which it is accessory and to have a non-density parcel within proposed Lot 3 will have no discernable impact upon the community. As such the Petition will be granted.

VARIANCE

As to the variance, it requires 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 large agricultural property has an irregular shape which renders it unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be required to raze or relocate these accessory buildings which have been in place for many years

and likely qualify as lawful nonconforming structures. 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 22nd day of **July, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing: (1) to approve a septic reserve area in a zone different than the principal dwelling per Section 1A00.5.b of the Baltimore County Zoning Commissioners Policy Manual (“ZCPM”); and (2) to approve a portion of proposed Lot 3 as non-density and non-buildable in the RC 2 zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to allow existing agricultural buildings to be located in the side and front yards in lieu of the rear yard and to have a height exceeding 15 ft. in lieu of the maximum height of 15 ft. per Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (“BCZR”), 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

LMS:sln