

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(2018 Tred Avon Road)		
15 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
George Dardamanis & Elizabeth Shrader	*	HEARINGS FOR
<i>Legal Owners</i>		
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0335-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by George Dardamanis & Elizabeth Shrader, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Section 400.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit an accessory structure (deck) to be located in the front yard in lieu of the required rear yard. A site plan was marked as Petitioners’ Exhibit 1.

George Dardamanis, Elizabeth Shrader 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 Environmental Protection and Sustainability (“DEPS”).

The site is approximately 10,135 square feet in size and is zoned DR 3.5. The property is improved with a single-family dwelling constructed in 1949. Petitioners recently reconstructed a waterfront retaining wall at the site, and the proposed deck would connect to a stairway which would provide access to their pier.

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 site improvements were constructed prior to the adoption of the BCZR and the property is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the proposed deck. 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 Baltimore County or community opposition.

THEREFORE, IT IS ORDERED, this **18th** day of **July, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations to permit an accessory structure (deck) to be located in the front 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.
2. Prior to issuance of permits Petitioners must comply with critical area regulations.

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