

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(34 Dunmore Road)		
1 <sup>st</sup> Election District	*	OF ADMINISTRATIVE
1 <sup>st</sup> Council District		
Jean K. & Julius Stiffler	*	HEARINGS FOR
<i>Legal Owners</i>		
Petitioners	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2019-0345-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Jean K. & Julius Stiffler, 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 to be located in the side yard in lieu of the required rear yard placement.

Jean & Julius Stiffler appeared in support of the petition. 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 has no objection to granting the petitioned zoning relief conditioned upon the successful resolution of the aforementioned violation case.

The site is approximately 7,161 sq. ft. in size and is zoned DR 5.5. After an anonymous complaint was filed with the Bureau of Code Enforcement Petitioners were instructed to seek zoning relief. There were no Protestants at the hearing and no written objections in the file.

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 Petitioners testified that there is a large specimen tree behind the house which prevents them from erecting the shed completely in the rear of the house. As such the property is unique. Petitioners therefore placed the structure partially behind the house and partially in the side yard. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to build any structure and they need a shed for storage. 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.

THEREFORE, IT IS ORDERED, this 24<sup>th</sup> day of **September, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit an accessory structure to be located in the side yard in lieu of the required rear yard placement, 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.

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Signed  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
For Baltimore County

PMM:sln