

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(6618 Wickfield Road)		
3 <sup>rd</sup> Election District	*	OF ADMINISTRATIVE
2 <sup>nd</sup> Council District		
Eliezer & Ariella Abramson	*	HEARINGS FOR
<i>Legal Owners</i>		
Petitioners	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2019-0380-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 Eliezer & Ariella Abramson, legal owners of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 1B02.B of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed dwelling with a side setback 4 ft. with a sum of 8 ft. in lieu of the required minimum setback of 8 ft. and the sum of 20 ft., respectively. A site plan was marked as Petitioners’ Exhibit 1.

Herbert Burgunder, Esq. and Richard Richardson, of Richardson Engineering appeared in support of the petition. There were no protestants or interested citizens in attendance. A number of letters from neighbors supporting the request were entered into the record. 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”). The Department had no objection to granting the petitioned zoning relief conditioned upon the following:

- A revised site plan, architectural elevations shall be submitted to the Department, for review at the time of building permit application.

The site is approximately 9,906 square feet in size and is zoned DR 5.5.

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).

Testimony was presented that the subject property backs up on a shopping center parking lot, is wider in back than in the front, a shape different from other homes in the area.

Based upon this testimony, I find that the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to build the requested addition due to the shape of the lot. 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 7<sup>th</sup> day of **October, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations to permit a proposed dwelling with a side setback 4 ft. with a sum of 8 ft. in lieu of the required minimum setback of 8 ft. and the sum of 20 ft., respectively, 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 the ZAC comment submitted by the DOP, a copy of which is attached hereto and made a part hereof.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

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Singed  
LAWRENCE M. STAHL  
Administrative Law Judge for  
Baltimore County

LMS/sln