

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(30 Compass Road)		
15 th Election District	*	OF ADMINISTRATIVE
6 th Council District		
Danny Forbes	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0383-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Theresa Foster, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Sections 415A.1 & 415.1.A of the Baltimore County Zoning Regulations (“BCZR”) to permit the storage of two (2) recreational vehicles in lieu of the permitted one, and allow the vehicles storage in the front yard or at least eight (8) ft. to the rear of a lateral projection of the front foundation line of the dwelling. A site plan was marked as Petitioner’s Exhibit 1.

Danny Forbes appeared in support of the petition. No protestants or interested citizens were 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 opposed the request. A previous citation for violation of BCZR §415A was issued on May 9, 2019.

The site is approximately 4,888 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).

The Petitioner conceded that his lot is the same in size and configuration as others in the area and on his street. He stated that the recreational vehicles in question are never there more than approximately a week. He also presented a petition including both of his adjacent neighbors, approving his request.

While I am sympathetic to Petitioners plight, the requirements for variance relief are not satisfied in this case. No evidence was presented to show the subject property or improvements are unique or unlike those in the community. Under Maryland law, variances can only be granted “sparingly” since it is “an authorization for [that]...which is prohibited by a zoning ordinance.” *Cromwell*, 102 Md. App. At 699. In the absence of such evidence the petition for variance must be denied.

THEREFORE, IT IS ORDERED, this **8th** 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 the storage of two (2) recreational vehicles in lieu of the permitted one, and allow the vehicles storage in the front yard or at least eight (8) ft. to the rear of a lateral projection of the front foundation line of the dwelling, be and is hereby DENIED.

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

Signed
LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County

LMS/sln