

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(4000 Old North Point Road)		
15 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
Cochran Properties, Inc.	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0386-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Cochran Properties, Inc., legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Sections 243.2 & 243.3 of the Baltimore County Zoning Regulations (“BCZR”) to permit a new one-story garage building to be constructed 3 ft. to a rear property line and 10 ft. from the side property line, in lieu of the required 50 ft. A site plan was marked as Petitioner’s Exhibit 1.

Brian Dietz of Dietz Surveying Co. appeared in support of the petition. Timothy M. Kotroco, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. A number of letters and petitions from neighbors supporting Petitioner’s request were entered into evidence. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and the Bureau of Development Plans Review (“DPR”). Neither agency opposed the request.

The site is approximately 32,670 square feet in size and is zoned ML-IM.

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).

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The property is quite narrow particularly in light of the requested use. As such, the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to construct the proposed addition for which the variance is requested, a truck repair facility. In order to maneuver trucks into the repair bays solely on the property and not on the public road, the variance is essential. 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 lack of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 7th 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 new one-story garage building to be constructed 3 ft. to a rear property line and 10 ft. from the side property line, in lieu of the required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at

its 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, Petitioner would be required to return the subject property to its original condition.

2. Prior to issuance of permits Petitioner must comply with the ZAC comments submitted by the DOP and the DPR, copies of which are 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.

Signed
LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County

LMS/sln