

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(1829 Woodside Avenue)		
13 th Election District	*	OF ADMINISTRATIVE
1 st Council District		
CGB Consultants, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0438-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by CGB Consultants, LLC, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit an existing lot of record improved with a dwelling to have a lot width of 50 ft. and a side yard setback of 3 ft. in lieu of the required 55 and 10 ft., respectively. A site plan was marked as Petitioner’s Exhibit 4.

Charles G. Beall appeared in support of the petition. Three neighbors, Michael McAuliffe, Roxanne Rodey and William Carter attended the hearing. 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 site is approximately 6,250 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 revealed that the subject property included a farmhouse constructed in approximately 1906. Petitioner rehabilitate the structure upon the original footprint. The lot is among the widest in the area. As it was built upon original footprint, it is offset to one side of the lot, and not centered as the other developer built houses in the area. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to retain the already rehabilitated structure on the lot within the presently mandated setbacks. 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 20th day of **November, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit an existing lot of record improved with a dwelling to have a lot width of 50 ft. and a side yard setback of 3 ft. in lieu of the required 55 and 10 ft., respectively, 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.

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