

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(10503 Samona Road)		
8 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
3 <sup>rd</sup> Council District		
Clothbounce, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
Dixon Avenue, LLC	*	BALTIMORE COUNTY
<i>Lessee/Contract Purchaser</i>		
	*	<b>CASE NO. 2019-0520-A</b>
<b>Petitioners</b>		

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Clothbounce, LLC, legal owner of the subject property and Dixon Avenue, LLC, lessee/contract purchaser (“Petitioners”). Petitioners are requesting variance relief from §§ 307 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to allow a proposed dwelling on a corner lot with a lot width of 67.75 ft. in lieu of the required 70 ft. and a side/front yard setback of 27 ft. in lieu of the required 30 ft. A site plan was marked as Petitioners’ Exhibit 1.

Charles Merritt, Dale Luht, and Konstantine Diakoulas appeared in support of the petition. Timothy M. Kotroco, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. 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”). Subject to those comments DOP does not oppose the requested relief.

The site is approximately 11,940 square feet in size and zoned DR 3.5. It is a vacant lot within an established neighborhood in Cockeysville.

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).

This lot is part of a development that was laid out in 1923, well before the existing BCZR. The lots on the development plat are 30 feet wide and the existing homes are built on double lots. At 67.75 feet wide, this double lot is slightly wider than the typical lot in the development. It is a double frontage lot and there is a 10 foot county right of way strip along the entire length of both Samona and Warren Roads, which will make the setbacks appear larger. As such, the property is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed dwelling. 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 14<sup>th</sup> day of **January, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to allow a proposed dwelling on a corner lot with a lot width of 67.75 ft. in lieu of the required 70 ft. and a side/front yard setback of 27 ft. in lieu of the required 30 ft., 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. Petitioner shall comply with the DOP comments regarding architectural treatments on the Warren Road side of the dwelling.

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