

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
N side of Spencer Street, 200' W of		
Northeast Avenue	*	OFFICE OF ADMINISTRATIVE
13 th Election District		
1 st Council District	*	HEARINGS FOR
(4306 Spencer Street)		
	*	BALTIMORE COUNTY
JLM Property 2		
Petitioners	*	CASE NO. 2011-0332-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by Michael Green, Member, on behalf of the legal owner of the property, JLM Property 2. The Petitioner is requesting Variance relief under Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed dwelling on a lot containing 7,500 square feet and a lot width of 50 feet in lieu of the required 20, 000 square feet and 100 feet, respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Michael Green, Member, on behalf of the legal owner JLM Property 2, and Jonathan Scott Dallas, Sr., Professional Surveyor with J.S. Dallas, Inc., the consulting firm who prepared the site plan. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance at the hearing.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

Testimony and evidence presented revealed that the subject property consists of 0.17 acre (7,500 square feet) and is zoned D.R.2.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist as to the topography, geographic structure, and unique access situation that are particular to the land or structure which is the subject of the variance request.

I further find that practical difficulty exists, limiting the use of the property for a permitted purpose by the Petitioner if the variance is not granted; and further find that the granting of the relief set forth herein can be accomplished without injury to the public health, safety, and general welfare. Therefore, in all manner and form, I find that the variance requested can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R. as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). *McClellan v. Soley*, 270 Md. App. 208 (1973)

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 30 day of June, 2011 by this Administrative Law Judge that Petitioner's Variance request from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed dwelling on a lot containing 7,500 square feet and a lot width of 50 feet in lieu of the required 20, 000 square feet and 100 feet, respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for his building permit and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said 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
Managing Administrative Law Judge
for Baltimore County

LMS:dlw