

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
NW/side of Old Court Road, 234' NE from	*	OFFICE OF
c/line of Glen Hannah Court	*	ADMINISTRATIVE HEARINGS
2 nd Election District	*	FOR BALTIMORE COUNTY
4 th Councilmanic District	*	CASE NO. 2012-0027-A
(5624 Old Court Road)		
Randall-Wood Corporation		
<i>Petitioner</i>		

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by Clifton E. Griffin, Jr., Chairman of Randall-Wood Corporation. Petitioner is requesting Variance relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition with a 20' rear setback in lieu of the required 30'. The subject property and requested relief are more fully described 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 was Clifton E. Griffin, Jr., Chairman, Randall-Wood Corporation, James Greene, Bernard Stokes, Jr., Tyrone Pope, Sr. and Raymond J. Hopkins; and David Flowers of KCI Technologies, the consulting firm who prepared the site plan for the property. Also appearing was Sheldon H. Levitt, Esquire with Wingrad, Hess, Friedman & Levitt, LLC, counsel for Petitioner. The file reflects that the hearing was properly advertised and the property posted. No Protestants attended the hearing, nor were any letters of protest or objection received by this Office.

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

Attorney Levitt proffered the testimony of Mr. Griffin and that of Mr. Flowers, who was qualified as an expert in development and the Baltimore County zoning regulations as they relate to this matter.

On behalf of Mr. Flowers, counsel proffered that the special hearing for the new addition to the side of the existing structure allowed for the use of existing plumbing; hence the need for this minor addition to be placed in the rear of the property. If the variance is not granted, Petitioner will be required to redesign and replan that which has already been approved. He further would have given his opinion that the Petitioners site was, in size in shape, configured uniquely in relation to other lots in the immediate area. In addition, the existing stormwater management facilities are located beneath the existing parking lot; and thereby also limit and render unique the use and expansion of the property.

Counsel further offered on behalf of Petitioner and Mr. Flowers that, even if the variance is granted, the present buffer between the site and its rear neighbor, consisting of existing evergreen pine trees and a fence, would be untouched and its effectiveness unhindered. There would still remain 119 feet to the neighboring closest structure. In sum, the requested variance would (Flowers would opine) clearly be in conformance with the spirit and intent of the Baltimore County Zoning Regulations.

Based upon the uncontroverted testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED this 14th day of September, 2011 by this Administrative Law Judge that Petitioner's Variance request from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition with a 20' rear setback in lieu of the required 30', be and is hereby GRANTED, subject to the following:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would 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