

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
S side of Greenapple Court; 640 feet		
S of the c/l of Lawnwood Circle	*	OFFICE OF ADMINISTRATIVE
2 nd Election District		
4 th Council District	*	HEARINGS FOR
(25 Greenapple Court)		
	*	BALTIMORE COUNTY
Malcolm A. Curry		
<i>Petitioner</i>	*	CASE NO. 2012-0046-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 the legal owner of the property, Malcolm A. Curry. The Petitioner is requesting Variance relief under Baltimore County Zoning Regulations (“B.C.Z.R.”) Sections 432A.1.C.1 and 432A.1.C.2 to permit parking in the front yard (as opposed to the required side or rear yard) with a setback of 6 feet and 7 feet from the property lines in lieu of the required 10 feet setbacks. 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. The property is a single family dwelling in the Windsor Mill area, as shown on Exhibit 2.

Appearing at the public hearing in support of the variance request were Petitioners Malcolm A. and Anita Curry and Joseph L. Larson, who is assisting the Petitioner in the permitting process. A neighbor, Theresa Forest, also attended the hearing. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief. In addition, the file contains no letters of opposition and/or

protest, and Ms. Forest indicated she attended the hearing because she was “curious” about the process, but did not oppose the request.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested 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.

The Petitioners plan to operate a 4-bed assisted living facility on the premises, although at this point they have not yet secured the requisite permits and approvals from Baltimore County and the State of Maryland. The dwelling sits on an approximate 7,000 sq. foot lot, and is at the bottom end of a cul-de-sac. As such, the lot is pie shaped, and differs from the dimensions of adjoining lots. In addition, the Petitioners cannot access the rear of the lot to provide parking, given the orientation of the dwelling on the uniquely shaped lot, and the narrow side yard areas which could not accommodate a driveway.

I further find that the granting of the relief as 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 can be granted in accordance with the requirements of Section 307 of the B.C.Z.R. as articulated in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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 ____25____ day of October, 2011 by this

Administrative Law Judge that Petitioner's Variance request from Baltimore County Zoning Regulations ("B.C.Z.R.") Sections 432A.1.C.1 and 432A.1.C.2 to permit parking in the front yard with a setback of 6 feet and 7 feet from the property lines in lieu of the required 10 feet setbacks, 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 _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz