

**IN RE: PETITION FOR VARIANCE**  
**(1709 Taylor Avenue)**  
9<sup>th</sup> Election District  
5<sup>th</sup> Councilman District  
Thomas C. Jr. and Susan Brennan  
Petitioners

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BEFORE THE OFFICE  
OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
**CASE NO. 2013-0123-A**

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**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed Lawrence E. Schmidt, Esquire on behalf of Thomas C. Jr. and Susan Brennan, the legal owners of the subject property. The Petitioners are requesting Variance relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 5 parking spaces in lieu of the required 9. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Thomas C. Jr. and Susan Brennan, and Bernadette Moskunus, with Site Rite Surveying, Inc., the consulting firm that prepared the site plan. Lawrence E. Schmidt, Esquire appeared as counsel and represented the Petitioners. 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 interested citizens in attendance and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the record of this case. The only substantive comment was from the Department of Planning (DOP), which supported the petition, and believed the project would be a "vast improvement" to the

community.

Testimony and evidence revealed that the subject property is 0.15 acres and is zoned BL. The property was zoned C.B. until 2012, at which time it was rezoned to B.L. during the comprehensive zoning process (Issue #5-018). The Petitioners operate a commercial cleaning business known as United Building Services, Inc. The firm employs crews that clean office and commercial buildings after regular business hours. The Petitioners purchased this site in 2011, and propose to construct a 2,400 SF class “B” office building on what is now a vacant lot. The Petitioners have engaged an architect and are working with the DOP to design an attractive structure that will enhance the community. The building will be used for strictly administrative functions (i.e., bookkeeping, billing, etc.), and the employees that clean the offices after hours report directly to the job site, not the subject property. The Petitioner also indicated that none of the firm’s clients or customers visit the administrative building, which will in every sense of the word be a “back office” operation.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Trinity Assembly of God v. People’s Counsel*, 407 Md. 53, 80 (2008).

Petitioners have met this test. The property is long and narrow (the lots are 25' wide x 130' deep), and is located within the Loch Raven Commercial Revitalization District. Exhibit 3. It is thus unique for zoning purposes.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty and/or hardship, since they would be unable to construct the proposed office for their

business. 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. This is demonstrated by the lack of opposition from the community and the support of the DOP.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 14<sup>th</sup> day of January, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 5 parking spaces in lieu of the required 9, be and is hereby GRANTED.

The relief granted herein shall be conditioned upon and subject to the following:

1. The Petitioners may apply for any required permits and may be granted same upon receipt of this Order; however the Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners 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.

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:sln