

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(11023 Liberty Road)		
2 nd Election District	*	OF ADMINISTRATIVE
4 th Councilman District		
Wards Chapel United Methodist Church	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2013-0162-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Michael L. Snyder, Esquire on behalf of Wards Chapel United Methodist Church, the legal owner of the subject property. The Petitioner is requesting Variance relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front addition with a setback of 65 ft to the c/line of the front street and 32.5 ft. to the front property line in lieu of the permitted 75 ft and 35 ft. 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 public hearing in support of the requests was Carroll Parker and Rick Richardson, the engineer who prepared the site plan. Michael L. Snyder, Esquire, appeared on behalf of Wards Chapel United Methodist Church. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The only substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP), which supported the petition and requested that the design, materials and architecture of the proposed addition be consistent with the existing building.

Testimony and evidence revealed that the subject property is 2.83 acres and is zoned RC 2. The church sanctuary has been at this location for over 150 years, long before the adoption of the B.C.Z.R. The Petitioner wants to construct an addition to the church, but needs variance relief to do so.

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).

Petitioner has met this test. The property is of irregular dimensions and the RC 2 zoning contains increased setback requirements, which renders the property unique.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty since the church building could not be expanded to accommodate parishioners. 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 County and/or community opposition. In addition, and as noted by counsel, the proposed addition will be located no closer to Liberty Road than is the existing sanctuary, so there would appear to be little to no impact upon the community or motorists.

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 29th day of March, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 1A01.3.B.3. of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front addition with a setback of 65 ft to the c/line of the front street and 32.5 ft. to the front property line in lieu of the permitted 75 ft and 35 ft. respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for its appropriate 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
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh