

IN RE: **PETITION FOR VARIANCE**
(Lot 11 Poplar Avenue) and
(Lot 12 Poplar Avenue)
12th Election District
7th Council District
Trade Craft Homes, LLC

Legal Owner

Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* BALTIMORE COUNTY
* **Case No. 2021-0056-A and**
Case No. 2021-0057-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Trade Craft Homes, LLC (“Petitioner”) for properties located at Lot 11 Poplar Avenue and Lot 12 Poplar Avenue. The Petitioner is requesting variance relief from Baltimore County Zoning Regulations (“BCZR”) § 1B02.3.C.1 to approve lot widths of 50 feet in lieu of the required 55 feet.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. In each case a site plan was marked and accepted into evidence as Petitioners’ Exhibit 1. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”). They did not oppose the requested relief.

Nick Klostorious appeared on behalf of the Petitioner, Trade Craft Homes, LLC. Ben Gary, a surveyor from John Mellema Surveyors assisted the Petitioner at the hearing. There were no opposing parties or interested citizens. The adjoining subject properties are each approximately 7,500 square feet and are zoned DR 5.5. Mr. Gary explained that these two parcels are part of a subdivision plan that dates to the 1930s, prior to the adoption of the BCZR. Neither parcel has ever been improved so there is no issue of merger.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The sites are long and rectangular and are the only vacant parcels remaining on this street and are therefore unique in a zoning sense. Petitioner would suffer practical difficulty and hardship if the modest variance relief were denied because they would be unable to construct the proposed homes. I find that the variance relief is within the spirit and intent of the BCZR and can be granted without causing harm to the public health, safety or welfare. To the contrary, as noted by DOP, construction of these new homes will promote the goals of stabilizing and revitalizing this older neighborhood, in keeping with the Greater Dundalk-Edgemere Community Conservation Plan.

THEREFORE, IT IS ORDERED, this **22nd** day of **April 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variances pursuant to BCZR§ 1B02.3.C.1 to approve these two lot widths of 50 feet in lieu of the required 55 feet are hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

A handwritten signature in black ink, appearing to read "Paul M. Mayhew". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm