

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(3410 Blenheim Road)		
10th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Robert M. Hopkins, III &	*	HEARINGS OF
Dean Ulman Hopkins		
Legal Owners	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2021-0108-A
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the Petitioners, Robert M. Hopkins, III and Dean Ulman Hopkins (the “Petitioners”) for the property located at 3410 Blenheim Road (the “Property”). The Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) §400.3 to permit a proposed accessory structure (garage), which will be replacing an existing garage, to have a height of 21 ft. in lieu of the maximum height of 15 ft.

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. The Petitioners appeared at the hearing along with Bruce E Doak, registered surveyor, of Bruce E. Doak Consulting, LLC who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 1). There were no protestants or interested citizens that appeared at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and Department of Environmental Protection and Sustainability (“DEPS”) which agencies did not oppose the requested relief.

Mr. Doak explained that the Property consists of two (2) parcels: Parcel 1 is 0.657 acres +/- and is improved with a 2-story dwelling built in 1960, deck, detached garage, shed and part of

a carport; Parcel 2 is 1.0031 acres +/-, is primarily square in shape other than a long narrow strip running along the southern end of Parcel 1, and is improved with the other part of the carport as well as a stone parking area behind the garage. (Pet. Exs. 1, 2). The Property is zoned Rural Conservation and Residential (RC 6). (Pet. Ex. 3). An aerial photograph and street view photographs show the Property and its improvements. (Pet. Exs. 4, 6A-J).

The existing garage has 3 garage bays. The Petitioners propose to replace the existing garage and shed with a 1-story garage with 2 bays (57 ft. wide x 36 ft. deep) in nearly the same location other than the proposed garage will extend to or slightly over the Parcel 2 boundary lines. (Pet. Ex. 1). The proposed architectural elevations show a farm-style barn garage with a roof pitch to mirror the neighboring property's barn. (Pet. Ex. 6E). The roof pitch and height variance are needed to accommodate a hydraulic lift which Mr. Hopkins will use to work on his personal vehicles. The proposed garage will not have a connection to water and it will not have a separate utility/electric connection or meter. The adjacent property owners have provided letters of support. (Pet. Ex. 7).

Merger of Parcels

Mr. Doak stated - and the Petitioners agreed on the record - that the Parcels have merged for zoning purposes. The Petitioners agreed that Parcel 2, which is vacant other than part of the carport which extends over the Property line and the stone parking area which is used by Petitioners to park their boat, has been used, and will continue to be used, in service to Parcel 1. Thus, I find that Parcels 1 and 2 have merged for zoning purposes, notwithstanding their separate boundary lines. *Friends of Ridge, et al. v. BGE*, 352 Md. 645, 724 A.2d 34 (1999).

Variance

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 Property is unique due to its 'L' shape. I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if the proposed height variance was not granted because they would not be able to construct a detached garage with the roof pitch which compliments the barn on the adjacent property or accommodate a hydraulic lift. The replacement garage is in the same location as the existing garage and therefore I find that the requested height variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the support of the adjacent property owners.

THEREFORE, IT IS ORDERED, this **18th** day of **June 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR §400.3 to permit a proposed accessory structure (garage), which will replace an existing garage, to have a height of 21 ft. in lieu of the maximum height of 15 ft. is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are 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, Petitioners would be required to return the subject property to its original condition.

2. Petitioners must comply with the DOP ZAC comment, a copy of which is attached hereto and make a part thereof.
3. Petitioners and subsequent owners shall not convert the garage into a dwelling unit or apartment. The proposed garage shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
4. The proposed garage shall not have a separate utility/electric meter; it shall connect to the utility electric in the house.
5. The proposed garage shall not be used for commercial purposes.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm