

**IN RE: PETITION FOR VARIANCE**  
**(3813 North Point Boulevard)**  
15th Election District  
7th Council District  
3813 LLC

Legal Owner

**Petitioner**

\* \* \* \* \*

\* BEFORE THE  
\* OFFICE OF ADMINISTRATIVE  
\* HEARINGS OF  
\* BALTIMORE COUNTY  
\* **CASE NO. 2021-0086-A**

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by 3813 LLC, Petitioner for property located at 3813 North Point Boulevard. The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 409.6.A.2 to allow 33 parking spaces in lieu of the required 79 spaces. Per BCZR § 409.8.A.4 to allow existing parking spaces less than 10 ft. (0 ft. provided) from the right-of-way line of a public street.

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. 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, subject to proposed conditions, which will be incorporated into the Order. There were no protestants or interested citizens that appeared at the hearing.

The Petitioner and Owner Nishant Shah appeared at the hearing. Patrick “Rick” Richardson from Richardson Engineering also appeared and assisted the Petitioner at the hearing. The subject property is approximately .45 acres and is zoned BL. Mr. Richardson explained that,

as noted by the DOP, the site is located in an area of mixed commercial uses along the North Point Boulevard corridor. Many of the adjacent uses also have deficient parking by current BCZR standards however this has not significantly impacted the residential areas off of this commercial corridor. The owner, Mr. Shah, explained that he and his tenant wish to build this proposed beer garden in order to deal with the ongoing Covid restrictions and for future use.

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 site is unique for a variety of reasons. It is bordered by public roads to the north and south and is an irregular shape. Petitioner would suffer practical difficulty and hardship if the variance relief were denied because they would be unable to construct the proposed improvements. I find that the variance relief can be granted within the spirit and intent of the BCZR and without harming the general health, safety or welfare.

THEREFORE, IT IS ORDERED, this 17th day of **May 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR § 409.6.A.2 to allow 33 parking spaces in lieu of the required 79 spaces. Per BCZR § 409.8.A.4 to allow existing parking spaces less than 10 ft. (0 ft. provided) from the right-of-way line of a public street is 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.

- Petitioner must comply with the DOP ZAC comment, a copy of which is attached hereto and make a part thereof.

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

Signed \_\_\_\_\_  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM/dlm