

**IN RE: PETITION FOR VARIANCE**  
**(3608 Washington Boulevard)**  
13th Election District  
1st Council District  
Jun Yu Li & Yong Yi Wu

\* BEFORE THE  
\* OFFICE OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\*  
\* **CASE NO. 2020-0136-A**

*Legal Owners*

Petitioners

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by Jun Yu Li and Yong Yi Wu for property located at 3608 Washington Boulevard. The Petitioners are requesting variance relief from § 250.2 of the Baltimore County Zoning Regulations (“BCZR”) to approve a side yard of 0 ft. in lieu of the minimum of 30 ft. and a combined 47 ft. in lieu of the required 80 ft., and from § 250.3 for a rear yard of 0 ft. in lieu of the required 40 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. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”) which will be incorporated in this Order. A ZAC comment was also received from the Department of Planning (“DOP”) which did not oppose the requested relief.

Jun Yu Li and Yong Yi Wu appeared at the hearing. Patrick (“Rick”) Richardson, the engineer who prepared the site plan and appeared on their behalf. There were no protestants in

attendance.

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).

As described above, the site is unique for a variety of reasons. The Petitioner's site is zoned MLR-IM, a transitional zoning, but it's surrounded by heavy commercial sites zoned ML, BR and BL. In addition, one side of the property is boarded by an extremely steep slope separating it from its neighbor, on another by a large area of trees, on the third side by a large parking lot of a commercial property and on the fourth side by Washington Boulevard.

Petitioner would suffer a practical difficulty if this Variance is not granted, as although it is a permitted use, there would not be sufficient space for its needs.

THEREFORE, IT IS ORDERED, this 22nd day of **October 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the BCZR § 250.2 to permit a side yard of 0 ft. in lieu of the minimum of 30 ft. and a combined 47 ft. in lieu of the required 80 ft., and from § 250.3 for a rear yard of 0 ft. in lieu of the required 40 ft. 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 requirements set forth in the DEPS comment, which is attached hereto and incorporated.

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

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Signed  
LAWRENCE M. STAHL  
Administrative Law Judge for  
Baltimore County

LMS/dlm