

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(2816 Old North Point)		
15 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
2816 Old North Point, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2020-0077-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Timothy M. Kotroco, Esq., on behalf of 2816 Old North Point, LLC, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from § 238.2 of the Baltimore County Zoning Regulations (“BCZR”) to allow a one-story building to be constructed 5 ft. from a rear property line and 5 ft. from the side property line, in lieu of the required 30 ft. For such other and further as the nature of this cause may require. A site plan was marked as Petitioner’s Exhibit 7.

Due to the COVID-19 pandemic, a WebEx hearing was conducted remotely by computer and/or phone participation. Woodrow Nash appeared in support of the petition. Timothy M. Kotroco, Esq. appeared and represented the Petitioner. Paul Ratych, the property line surveyor who prepared the site plan also attended. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR.

The site is approximately 1.0484 acres in size and zoned BL-AS, BR-AS, BR. Mr. Nash owns and operates a tavern on the site known as the Grey Manor Inn. He is currently using several shipping containers at the rear of the site for storage and received a Code citation as a result. The citation was held in abeyance in order for Mr. Nash to petition for the variance relief requested

in this case. Mr. Kotroco explained that at the request of the zoning office they are locating the proposed storage building entirely within the BR zone on the property. The proposed storage building would enable Mr. Nash to move the contents from the shipping containers into this building and dispose of the containers. This will enhance the appearance of the property.

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 subject property is split into several zones and has a utility easement running through the center. It is therefore unique. Petitioner would suffer practical difficulty and hardship if the variance relief were denied because he would be unable to construct this necessary storage building. The structure will enhance the appearance of the property and will not adversely impact any neighboring properties. The variance can be granted within the spirit and intent of the BCZR and without causing harm to the public health, safety, or welfare.

THEREFORE, IT IS ORDERED, this **4th** day of **September, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Baltimore County Zoning Regulations pursuant to § 238.2 of the Baltimore County Zoning Regulations (“BCZR”) to allow a one-story building to be constructed 5 ft. from a rear property line and 5 ft. from the side property line, in lieu of the required 30 ft. For such other and further as the nature of this cause may require be and 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.

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