

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(3501 Hunting Tweed Drive)		
4th Election District	*	OFFICE OF ADMINISTRATIVE
2nd Council District		
Covington 1955 Irrevocable Trust dated	*	HEARING OF
February 10, 2020, Trustee		
Christopher Steuart	*	BALTIMORE COUNTY
Legal Owner		
Petitioner	*	CASE NO. 2021-0216-A
* * * * *		* * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the Petitioner, Covington 1955 Irrevocable Trust dated February 10, 2020, Trustee, Christopher Steuart for property located at 3105 Hunting Tweed Drive. The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) § § 400.1 and 400.3 to approve an accessory structure (pole barn) in the front yard on the right side of the property in lieu of the required rear yard and to approve the accessory structure at a height of 25 ft. in lieu of the maximum height of 15 ft.

Due to the COVID-19 restrictions 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.

A Substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). They did not oppose the requested relief. There were no protestants or interested citizens that appeared at the hearing. The Petitioner Christopher Steuart appeared at the hearing. Henry Warfield of Henry Warfield Architects assisted the Petitioner at the hearing. The subject property is approximately 4.5 acres and is zoned RC 2. Mr. Warfield

explained that there are significant grade changes and environmental features to the rear of the dwelling and that placement of the pole barn in the rear would also require a full basement structure and significantly more impervious surface in the form of a driveway. He further explained that the proposed site at the side of the dwelling is a flat area and that the barn can be constructed on a slab. Further, only one small tree will need to be removed. Finally, he explained that the height variance is being requested in order to add storage for their equestrian equipment on the second floor. Mr. Steuart acknowledged that he and future owners will be prohibited from using the barn for commercial or residential purposes.

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, including the grades and environmental features in the rear of the dwelling. Petitioners would experience hardship and practical difficulty if the variances were denied because they would be unable to construct the barn at their proposed site and would be left without sufficient storage. I find that the variance relief is within the spirit and intent of the BCZR and that it will not harm the public health, safety or welfare.

THEREFORE, IT IS ORDERED, this 9th day of **November 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR § § 400.1 and 400.3 to approve an accessory structure (pole barn) in the front yard on the right side of the property in lieu of the required rear yard and to approve the accessory structure at height of 25 ft. in lieu of the maximum height of 15 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.
- Petitioners or subsequent owners shall not convert the pole barn into a dwelling unit or apartment. The proposed pole barn shall not contain any sleeping quarters, living area, or kitchen facilities.
- There shall be no second utility meter(s).
- The proposed pole barn shall not be used for commercial purposes, other than as a home office space.

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