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| IN RE: PETITION FOR ADMIN. VARIANCE | * | BEFORE THE |
| (2601 Taylor Avenue) | | |
| 9 th Election District | * | OFFICE OF ADMINISTRATIVE |
| 6 th Council District | | |
| Allen J. Davis | * | HEARINGS FOR |
| | | |
| Petitioner | * | BALTIMORE COUNTY |
| | | |
| | * | CASE NO. 2021-0282-A |

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the Property, Allen J. Davis (“Petitioner”) for the property located at 2601 Taylor Avenue, Parkville (the “Property”). The Petitioner is requesting Variance relief pursuant to Baltimore County Zoning Regulations (“BZCR”), §400.4 for an accessory structure with a footprint which is larger than the home. The Property and requested relief is more fully depicted on the site plan (“Site Plan”) that was marked and accepted into evidence as Petitioner’s Exhibit 1. A Zoning Advisory Committee (“ZAC”) comment was received from Department of Environmental Protection and Sustainability (“DEPS”) and made part of the record of this case.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 30, 2021, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by §32-3-303 of the BCC. Based upon the information available, the requested for Administrative Variance must be denied. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted are not sufficient to provide facts to comply with the requirements of §307.1 of the

BCZR. *Montgomery County v. Rotwein*, 169 Md. App. 716, 906 A.2d 959 (2006). *Cromwell v. Ward*, 102 Md. App. 691, 651 A.2d 424 (1995). The practical difficulty alleged by the Petitioners is not the type of practical difficulty required by case law. Petitioner desires a 1,392 sf garage which has a larger footprint than the 1923 home (1,097 sf) in order to accommodate three (3) antique cars and two (2) motorcycles. Variance relief cannot be granted to accommodate Petitioner's choice of personal property. In this case, the alleged practical difficulty is self-imposed; it is for the convenience of the Petitioner. Petitioner could reduce the number of vehicles which he owns; reduce the size of the proposed garage so that it is smaller than the home (and he would not need the variance here); and/or he could continue to house a vehicle off-site. Those facts notwithstanding, the denial of variance will not prevent Petitioner from using his Property as his home.

THEREFORE, IT IS ORDERED, this **3rd** day of November, **2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulations ("BZCR"), §400.4 with a footprint which is larger than the home be, and it is hereby **DENIED**.

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



MAUREEN E. MUPRHY
Administrative Law Judge
for Baltimore County

MEM:dlw