

<b>IN RE: PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
NE side of Bradshaw Road, 210' N of		
Sandyvale Road	*	OFFICE OF ADMINISTRATIVE
11 <sup>th</sup> Election District		
3 <sup>rd</sup> Council District	*	HEARINGS FOR
<b>(8044 Bradshaw Road)</b>		
	*	BALTIMORE COUNTY
Charles L. Felbinger, <i>Owner</i>		
Kevin Felbinger, <i>Contract Purchaser</i>	*	<b>CASE NO. 2012-0307-SPH</b>
Petitioners		

\* \* \* \* \*

**ORDER AND OPINION**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by the legal owner of the subject property, Charles L. Felbinger, and Kevin Felbinger, his son, who plans to purchase the home (the “Petitioners”). Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing dwelling to be rebuilt with side yards of 16' and 30' in lieu of the required 50', respectively as per Section 1A04.3.B.1 of the B.C.Z.R., and to allow a front yard setback of 90' in lieu of the required 100' from the center of Bradshaw Road, as per Section 1A04.3.B.1.b of the B.C.Z.R., and lastly to allow a property area of 0.487 acres in lieu of the required 1.5 acres per Section 1A04.3.B.2 of the B.C.Z.R. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

Appearing at the public hearing held for this case were Petitioners Charles L. Felbinger, and Kevin Felbinger. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Development of Environmental Protection and

Sustainability (DEPS) on July 11, 2012, indicating that agency must review any building permit applications for the property.

In addition, a ZAC comment was received from the Department of Planning on June 28, 2012, which indicates that agency supports the requested relief, provided the Petitioners satisfy the performance standards applicable to this RC 5 zoned property.

Testimony and evidence revealed that the subject property is 0.487 acres (21,213 square feet) and is zoned RC 5. The property is improved with a single-family dwelling, and is located in the Kingsville area. Charles Felbinger, who owns the property, is now a widower and plans to move to Georgia. He will sell the property to his son and daughter-in-law, who would like to rebuild the dwelling for their family. The Petitioners presented a rendering of the home they intend to construct (Exhibit 2) and they said the home is only slightly larger than the existing dwelling, largely because an attached garage will be added.

As noted by the Department of Planning, the existing home was built before the adoption of the zoning regulations, and it does not comply at this time with area and setback regulations. The proposed home would be constructed on essentially the same footprint (*See* Exhibit 1), and is a modest sized three bedroom home with approximately 1,700 square feet of living space. There was no evidence presented to suggest that the reconstruction of the dwelling would in any way be detrimental to the community's health, safety and welfare. To the contrary, Petitioners propose to construct an attractive home that will complement the site and neighborhood.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 1<sup>st</sup> day of August, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the

Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing dwelling to be rebuilt with side yards of 16' and 30' in lieu of the required 50', respectively, as per Section 1A04.3.B.1 of the B.C.Z.R., and to allow a front yard setback of 90' in lieu of the required 100' from the center of Bradshaw Road, as per Section 1A04.3.B.1.b of the B.C.Z.R. and lastly to allow a property area of 0.487 acres in lieu of the required 1.5 acres per Section 1A04.3.B.2 of the B.C.Z.R, be and is hereby GRANTED.

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

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Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:dlw