

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
(8231 Rosebank Avenue)		
15 th Election District	*	OFFICE OF
7 th Councilmanic District		
Glenn Boyd	*	ADMINISTRATIVE HEARINGS
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2013-0278-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Glenn Boyd, the legal owner of the subject property. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to approve a replacement dwelling in an ML zone in an area which is not predominantly adjoined by residential dwellings. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the public hearing in support of the requests was Glenn Boyd and Stuart Colvin, a representative of the builder, CGC Builders, Inc. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), Department of Environmental Protection and Sustainability (DEPS) and Bureau of Development Plans Review (DPR). The DOP does not oppose the petition, but requested that Petitioner clear the subject lot of debris and non functioning cars. DEPS indicated that the subject property is located within an Intensely Developed Area (IDA) and is subject to Critical

Area requirements. The Bureau of DPR indicated the Petitioner must comply with the County's flood plain requirements.

The subject property is 34,775 sq. ft. in size and is zoned ML. The Petitioner's family has owned the property since 1964, and the existing dwelling (shown in the photos marked as Exhibit 2) was constructed in 1920. The Petitioner proposes to raze the existing home, and construct on the property a modern single family dwelling (1,928 s.f.), as shown on the plans and elevation drawings submitted as Exhibit 3.

Under the B.C.Z.R., "residences" may be erected in manufacturing zones provided the dwelling satisfies (in this case) the adjoining DR 5.5 height and area regulations. The Petitioner will satisfy these requirements, as shown on the site plan. Exhibit 1. Even so, County officials required the Petitioner to seek Special Hearing relief, based on § 302.1 of the Zoning Policy Manual, which sets forth certain conditions that are arguably at odds with B.C.Z.R. § 302.1. Even so, as noted above, this property has been improved with a residential dwelling for over 90 years, and the zoning maps reveal that the property is surrounded by DR 3.5 and DR 5.5 zones. As such, I find that Petitioner has satisfied the requirements of the Zoning Commissioner's Policy Manual (ZCPM) and B.C.Z.R., and that the new dwelling will be an attractive addition to the community.

Pursuant to the advertisement, posting of the property, and the public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing request should be granted.

THEREFORE, IT IS ORDERED this 5th day of August 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve a replacement dwelling in an ML zone in

an area which is not predominantly adjoined by residences , be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln