

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1717 Carroll Avenue)		
13 th Election District	*	OFFICE OF
1 st Councilmanic District		
Kyle O’Haro	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2015-0127-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Kyle O’Haro, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve an amendment to Case No. 91-416-A, to remove restriction #2 that states the property must be submitted through the minor subdivision process for review and comments.

Appearing at the public hearing in support of the requests was Kyle O’Hara. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received. There were no Protestants or interested citizens in attendance.

The subject property is zoned DR 5.5. The property is approximately 12,000 square feet in size, and is comprised of two lots (roughly 6,000 sq. ft. each) as shown on a Plat of Halethorpe. One lot is improved with a single-family dwelling, and the other lot is unimproved. In 1991, a rear yard setback variance was granted for Lot 210, known as 1717 Carroll Avenue. That Order indicated Petitioner must comply with the “minor subdivision process” when he constructed a dwelling on the vacant lot (Lot 209). Case No. 1991-416-A, restriction no. 2.

Petitioner seeks to have that restriction removed, since a subdivision is not required; i.e., there are already two existing lots of record created by the Halethorpe Plat.

THEREFORE, IT IS ORDERED this 4th day of February, 2015 by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Restriction No. 2 in the Order issued in Case No. 1991-416-A, be and is hereby STRICKEN.

The relief granted herein shall be subject to the following:

1. 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 his 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 filed within thirty (30) days of the date of this Order.

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln