

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1452 Shore Road)		
15 th Election District	*	OFFICE OF
6 th Councilmanic District		
Paul Godwin	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Charles & Ingrid Castronovo,	*	FOR BALTIMORE COUNTY
<i>Interested Parties</i>		
Petitioners	*	Case No. 2015-0055-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Charles and Ingrid Castronovo (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows: (1) to determine whether an adjoining property located at 1452 Shore Road is currently in violation of the lot coverage limitations imposed by Section 33-2-603 of the Baltimore County Code (B.C.C.); (2) whether the proposed construction of a stairway and a two level deck on the property located at 1452 Shore Road would increase the amount of lot coverage maintained on the property in violation of Section 33-2-603 of the B.C.C.; (3) whether the proposed construction of a stairway and a two level deck on the property located at 1452 Shore Road violates Section 102.1 of the B.C.Z.R.; (4) whether the proposed construction of a stairway and a two level deck on the property located at 1452 Shore Road would violate the limitation on extending non-conforming structures and uses no more than 25% of the ground floor area of the existing building; and (5) whether a plan for the proposed development of 1452 Shore Road can be approved by Baltimore County without review by all required agencies of substantial amendments/alterations thereto. Special hearing request number 5 was dismissed at the hearing by Petitioners’ counsel, and the Petition in the file was so amended and initialed by the

undersigned.

Appearing at the public hearing in support of the requests was Charles Castronovo. Christopher Corey, Esq., represented the Petitioners. Paul Godwin, owner of the adjoining home, attended the hearing and was represented by Bruce Covahey, Esq. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property (1452 Shore Road, owned by Mr. Godwin) is zoned DR 5.5. The property is 22,244 square feet in size, and is improved with a single family dwelling and garage/shed. The Petitioners own adjoining property at 1501 Shore Road, and filed this Petition for special hearing seeking a determination that their neighbor's property is in violation of various Baltimore County laws and regulations.

Charles Castronovo testified and explained his educational background and professional experience as an engineer. He presented a series of aerial photographs and described the mapping tools he used to calculate the amount (i.e., square footage) of impervious surface on his neighbor's property. Mr. Castronovo contends that Mr. Godwin has exceeded the lot coverage limitations set forth in the County Code and critical area regulations. And while that may be the case, I do not believe B.C.Z.R. §500.7 provides the OAH with "jurisdiction" to hear this case.

A "special hearing" under §500.7 of the B.C.Z.R. is akin to a declaratory judgment proceeding, and provides this office with authority to construe and interpret the zoning regulations as they apply in a particular setting. Antwerpen v. Baltimore County, 163 Md. App. 194, 209 (2005). The problem here is that the Petitioners have asked for an interpretation of the Baltimore County Code (B.C.C.), not the B.C.Z.R. The property in question is zoned DR 5.5 which (unlike some of the RC zones) does not contain lot coverage limitations. It is the DEPS

which is the arbiter of this issue, and its inspectors (assuming they found a violation) can issue citations for violations of the County Code and environmental regulations.

THEREFORE, IT IS ORDERED this 6th day of November, 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”), be and is hereby DISMISSED without prejudice.

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