

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(4824 Carroll Manor Road)		
10 th Election District	*	OFFICE OF
3 rd Councilmanic District		
Richard and Sarah Telljohann	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
Petitioners	*	FOR BALTIMORE COUNTY
	*	Case No. 2015-0045-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Richard and Sarah Telljohann, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve a side setback of 8' in lieu of the required 50' (also see §1A04.3.B.1.b.1) for an addition.

Appearing at the public hearing in support of the requests was Richard Telljohann. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP). That agency did not oppose the request, but provided two proposed conditions for inclusion in the final Order.

The subject property is zoned RC-5. The property is 1 acre in size, and is improved with a single family dwelling constructed in 1968. Petitioners would like to construct an attached garage for storage of vehicles and household items. Given the increased setback requirements of the RC-5 zone, Petitioners require zoning relief.

Under the RC-5 regulations, it is a petition for special hearing, rather than variance, that is required to alter the setbacks for a dwelling. Here, the regulations require 50', which is a

substantially greater setback than found in most residential zones. In any event, the current side yard is 36' (i.e., nonconforming) and Petitioners propose to construct a 28' wide garage addition. This would leave an 8' setback to the property boundary. According to the plan, the nearest dwelling (4900 Carroll Manor Road) is situated 45' from the common boundary, which would mean that the building-to-building setback would be 53'. In my opinion, this is more than sufficient, especially considering the mature and dense vegetative buffer between the homes, as referenced in the DOP's comment. Mr. Telljohann stated that neither of his adjoining neighbors opposed the request.

THEREFORE, IT IS ORDERED this 22nd day of October, 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.") to approve a side setback of 8' in lieu of the required 50' for an addition, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must comply with the ZAC comment of the DOP, which is attached and incorporated herein.

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