

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(16332, 16334 & 16342 Matthews Rd.)		
8 th Election District	*	OF ADMINISTRATIVE
3 rd Council District		
Sarah J. Dew, Julia M. Dew &	*	HEARINGS FOR
Bailey A. Dew		
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2015-0288-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is Petitioners’ Motion for Reconsideration. By Order dated September 16, 2015, the requested variance relief was denied. With their motion, Petitioners have attached a red-lined site plan which rearranges the proposed building lots such that each would observe a 100 ft. minimum building setback in lieu of the 20 ft., 63 ft. and 80 ft. as sought in the original petition.

Petitioners have also included with their motion a revised Zoning Advisory Committee (ZAC) comment from the Department of Planning (DOP). This comment (dated October 14, 2015) provides the requisite findings and recommendations as required by the RC 8 regulations. In light of this new and additional information, the motion will be granted, subject to the condition noted below. A motion for reconsideration is properly granted upon showing that “some new or different factual situation exists that justifies a different conclusion.” Calvert County v. Howlin Realty, Inc., 364 Md. 301, 325 (2001). I believe Petitioners satisfy this standard based upon the amendments to the Plan and the revised findings of the DOP.

THEREFORE, IT IS ORDERED, this **23rd** day of October, 2015, by the Administrative Law Judge for Baltimore County, that Petitioners’ Motion for Reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Amended Petition for Variance, to permit three (3)

single family dwellings on the subject property constructed no less than 100 feet from an adjacent property (under the circumstances described in B.C.Z.R. §1A09.7.B.5.b.(1)(a-c)), in lieu of the required 300 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners must comply with the revised ZAC comment of the DOP, a copy of which is attached hereto.

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

JEB: sln

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County