

<p>IN RE: DEVELOPMENT PLAN HEARING & PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE</p> <p>1st Election District 1st Councilmanic District (631 Winners Circle) (MORSBERGER PROPERTY - 1st Material Amendment to the 2nd Refined Development Plan)</p> <p>Louis J. Morsberger and Louann M. Tracy, <i>Legal Owners</i> Morsberger Development, LLC, c/o Whalen Properties <i>Developer</i></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS</p> <p>FOR</p> <p>BALTIMORE COUNTY</p> <p>HOH Case No. 01-0528 and Zoning Case 2014-0234-SPHXA</p>
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ORDER OF DISMISSAL

WHEREAS, this matter was scheduled for a public hearing on August 22, 2014, to consider a development proposal known as “Morsberger Properties, 1st Material Amendment to the 2nd Refined Development Plan” as well as Petitions for Special Hearing, Special Exception, and Variance relief filed by Louis J. Morsberger and Louann M. Tracy, *legal owners*, and Morsberger Development, LLC, c/o Whalen Properties, *developer*, by and through their attorney, G. Scott Barhight, Esquire, with Whiteford, Taylor & Preston, LLP.

The Petition for Special Hearing sought relief pursuant to § 500.7 of the B.C.Z.R., to permit a material amendment to an approved Development Plan. The Petition for Special Exemption sought relief pursuant to § 1B01.3.A.7 of the B.C.Z.R., to permit an amendment to a Final Development Plan (FDP). The Petition for Variance sought relief pursuant to § 1B01.2.C.1.b as follows: (1) To permit a side building face/side building face setbacks of 20’ in lieu of required 30’ on Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 22, 23, 25, 26, 27, 28, 29, 33, 35, 36, and 43, (2) Side building face to public right-of-way setback of 20’ in

lieu of the required 25' on Lots 12, 17, 33, 35, and 43, (3) Side building face to tract boundary setback of 15' in lieu of the required 25' on Lot 24, (4) Front building face to public right-of-way of 20' in lieu of required 25' on Lots 33 and 43, (5) Rear building face to rear property line of 22' in lieu of required 30' on Lot 20 and 29' in lieu of required 30' on Lot 29.

Pursuant to the written request for withdrawal dated August 29, 2014 and follow-up letter dated September 2, 2014 from G. Scott Barhight, Esquire, with Whiteford, Taylor & Preston, L.L.P.:

IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 4th day of September, 2014 that the development proposal known as “Morsberger Properties, 1st Material Amendment to the 2nd Refined Development Plan”, be and is hereby DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Petitions for Special Hearing, Special Exception and Variance seeking relief as set forth above, be and the same are hereby DISMISSED WITHOUT PREJUDICE.

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw