

Office of Administrative Hearings for Baltimore County  
105 West Chesapeake Avenue Suite 103  
Towson, Maryland 21204

In the Matter of  
Christine M Rothbaum  
Respondent

Civil Citation No. 101475  
300 Hopkins Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on January 18, 2012 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) 1955 section 301(projections into yards): lower deck violates required setback of 37'6"- failure to bring deck into compliance-lower deck connects permitted deck to extend beyond the 37'6" setback on residential property.

On December 8, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Rodney Larrick issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Christine Rothbaum, Respondent, Joseph Milio, Contractor, Jennifer Helfrich, President of Rogers Forge Homeowner's Association, Jean Duvall, Neighbor and member of the RFHOA, Carl Richards, Zoning Supervisor, Rodney Larrick, Baltimore County Building Inspector and Glenn Berry, Supervising Baltimore County Building Inspector.

Testimony revealed that Christine Rothbaum, owner of the property recently constructed an open porch on the back of her end of group townhouse dwelling which is located in the Roger's Forge subdivision at 300 Hopkins Road. Originally she had hoped to construct an enclosed room onto the rear of her home, however the variance request to permit such an addition was denied by Administrative Law Judge Lawrence M. Stahl in June, 2011. At issue with the construction of the open porch is the

landing located at the bottom of the steps leading from the open porch. This landing area is of considerable size and can be considered to be a lower deck area. It is constructed between 8" to 16" above grade. Decorative pots and planters as well as a sitting bench are pictured on this landing/deck area as is evidenced by the photographs which were submitted into evidence.

Mrs. Rothbaum has been cited by Baltimore County Building inspectors in that this above grade deck violates the 37.5 foot setback requirement for the rear yard of this property. This is the "open projection" setback requirement as testified to by Mr. Carl Richards, who was in attendance at the hearing. Based on the photographs submitted and the testimony and evidence offered by those in attendance I find that the landing area/deck in question is of such size and magnitude so as to require compliance with the setback requirement for rear yards. For this application, that required setback from the rear property line is 37.5 feet. The distance to the porch from the rear property line measures 37.5 feet. The steps are permitted to extend from the porch, however the additional deck violates this setback requirement. The Respondent is in violation.

Having considered the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the \$1,000.00 fine may be held in abeyance pending a separate Variance petition being filed by Mrs. Rothbaum to legitimize the lower deck area and its rear yard setback. This Variance Petition must be filed within 30 days from the date of this Order or the \$1,000.00 fine shall be due and payable at that time.

ORDERED this 19<sup>th</sup> day of January 2012

Signed: ORIGINAL SIGNED  
Timothy M. Kotroco  
Administrative Law Judge

**NOTICE:** Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.