

IN THE MATTER OF
COHB, LLC – Legal Owner/Petitioner
S/s New Section Road, 990³ NE c/line Seneca Road
(3939 New Section Road)
15th Election District, 6th Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 11-114-A

RE: Petition for Variance

* * * * *

OPINION

This matter comes before the Board on appeal of a decision of the Zoning Commissioner for Baltimore County wherein the requested Variance relief was granted with conditions. The original Petition sought to allow a building height of 50 feet in lieu of the required 35 feet, to allow front yard setbacks of 36 feet to the centerline of the road in lieu of the minimum required 75 feet and side yard setbacks of 6 feet on both sides of the property in lieu of the required minimum 50 feet, and to allow a lot coverage of 25.1% in lieu of the maximum allowed 15%.

A hearing was held before the Board on April 20, 2011. At that time, the Petitioners submitted a revised site plan which was admitted into evidence as Petitioner’s Exhibit 1. Both parties requested an adjournment at that time to discuss possible settlement of the matter. Subsequently, the Board was informed that a settlement had been reached and a hearing date was set for July 26, 2011 in order to put the terms and conditions of the settlement on the record.

At the hearing on July 26, 2011, J. Carroll Holzer, Esquire was present representing James and Barbara Hock and their son, James Hock, Jr., Protestants in this matter. Mr. Holzer submitted another revised site plan which was accepted into evidence as Joint Exhibit 1. The revised site plan showed that the parking pad in the front of the proposed three-story dwelling had been moved from the right side of the property to the left side. In addition, the right corner of the proposed three-story building was moved back 35 feet from the center line of New Section Road and 23 feet from the property line instead of the original 30 feet and 18 feet. The height of the building was changed from 44 feet to 47 feet and the side yard setbacks remained at 10 feet on both sides of the building.

The Petitioners were not present at the hearing; Mr. Holzer confirmed that he had discussed the changes with the Petitioners and that both the Petitioners and his clients, the Protestants were agreeable to the changes. Therefore, the Board accepted the revised site plan as Joint Exhibit 1 and will make it part of this decision.

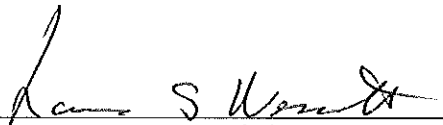
ORDER

THEREFORE, IT IS THIS 27th day of July, 2011 by the Board of Appeals of Baltimore County


ORDERED that the Petition for Variance as set forth in the revised site plan known as Joint Exhibit 1 and attached to this decision hereto, will be **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

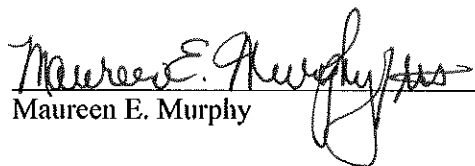
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence S. Wescott, Chairman



Andrew M. Belt



Maureen E. Murphy