

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(542 Back River Neck Road)</b>		
15 <sup>th</sup> Election District	*	OFFICE OF
7 <sup>th</sup> Council District		
Henry Nooft, Jr. & Jeffrey Nooft	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
Petitioners	*	FOR BALTIMORE COUNTY
	*	<b>Case No. 2017-0175-SPH</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Henry & Jeffrey Nooft, legal owners (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to approve a replacement dwelling with an existing detached accessory structure (pole building) to be located in the front yard of the proposed dwelling and to amend the prior zoning Case No. 2014-0009-SPHA for the location, size and height of the accessory structure.

Henry and Jeffrey Nooft and professional engineer William Bafitis appeared in support of the petition. 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 received from the Department of Environmental Protection and Sustainability (DEPS). That agency indicated Petitioners would need to comply with Critical Area Regulations prior to issuance of permits.

The subject property is 57,727 square feet (1.33 acres) in size and zoned D.R. 3.5. The property is improved with a single-family dwelling which is in poor condition. Initially, Petitioners intended to restore the existing home, and were granted zoning relief to allow an existing garage to remain in the side yard. *See* Case # 2014-0009-SPHA. Petitioners have decided

to raze the existing house and construct in its place a new single-family dwelling. Based on the revised plans and the orientation on the lot of the new dwelling, the existing garage would now be located in the front yard of the proposed new home. Petitioners were instructed to seek zoning relief to amend the 2014 order in this regard.

THEREFORE, IT IS ORDERED this 23<sup>rd</sup> day of **February, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to approve a replacement dwelling with an existing detached accessory structure (pole building) to be located in the front yard of the proposed dwelling, to amend the prior zoning Case No. 2014-0009-SPHA for the location, size and height of the accessory structure and for the existing garage to have a footprint larger than the proposed dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the January 13, 2017 ZAC comment submitted by DEPS, a copy of which is attached hereto and incorporated herein.

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

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:sln