

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(12504 Dover Road)		
4 th Election District	*	OFFICE OF
2 nd Council District		
Frederick J. Michelle Y. Burgesen	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0298-SPH

* * * * *

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 Frederick J. & Michelle Y. Burgesen, legal owners (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve a setback of 25 ft. on each side in lieu of the required 50 ft. respectively for a replacement dwelling. A site plan was marked and admitted as Petitioners’ Exhibit 3.

Frederick Burgesen 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. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”) and the Department of Planning (“DOP”). Neither agency opposed the request.

Petitioners purchased the property in 2017 and shortly thereafter razed the dwelling on the lot, which was uninhabitable. Petitioners propose to construct a new dwelling in essentially the same location on the one acre lot zoned RC-5. The plan shows 25' side yard setbacks, which is a similar setback found on the existing single family dwelling in the vicinity. Granting the request will not have a detrimental impact upon the community and the petition will therefore be granted.

THEREFORE, IT IS ORDERED this 22nd day of **June, 2018** by this Administrative Law Judge, that the Petition for Special Hearing to approve a setback of 25 ft. on each side in lieu of the required 50 ft. respectively for replacement 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 DEPS ZAC comment, a copy of which is attached hereto and made a part hereof.

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

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln