

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(10530 Marriottsville Road)		
2 nd Election District	*	OFFICE OF
4 th Council District		
TSC Marriottsville, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0336-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 TSC Marriottsville, LLC, legal owner (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve a proposed dwelling with front and side yard setbacks of 40 ft. in lieu of the minimum required 50 ft. A site plan was marked and admitted as Petitioner’s Exhibit 1.

Craig Rodgers 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 BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”).

The subject property is 2.0 acres in size and zoned RC-5. The property has a separate tax account (Map 76, Parcel 219) although it is not shown on a recorded subdivision plat. The property is unimproved, and Petitioner proposes to construct a new single family dwelling on the parcel. To do so, zoning relief is required.

The relief requested is (in all but name) a variance, although the RC 5 regulations contain a peculiar provision whereby such relief is obtained by filing a petition for special hearing.

BCZR § 1A04.3.B.1.b(1). The available building envelope is constrained by steep slopes at the rear of the site as well as a septic reserve area. As such, I believe there is good cause to grant the request.

THEREFORE, IT IS ORDERED this 17th day of **August, 2018** by this Administrative Law Judge, that the Petition for Special Hearing to approve a proposed dwelling with front and side yard setbacks of 40 ft. in lieu of the minimum required 50 ft., be and is hereby GRANTED.

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

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with DEPS ZAC comment, a copy of which is attached hereto and made a part hereof.
3. Prior to issuance of building permit, Petitioner must submit elevation drawings to the DOP and obtain a positive finding from that agency indicating the RC-5 performance standards are satisfied.

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:dlw