

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(12033 Jerusalem Road)		
11 th Election District	*	OFFICE OF
5 th Council District		
Eva Ward	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
Petitioner		
	*	Case No. 2019-0207-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 Eva Ward, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for a zero ft. setback from the floodplain accepted for filing by Baltimore County, in lieu of the required 20 ft. setback in Design Manual Plat DF-1 for a new dwelling to be built on existing foundation. A site plan was marked and admitted as Petitioner’s Exhibit 1.

Chad Rawls and Tom Miner appeared in support of the petition. Mike Pierce attended the hearing to obtain additional information regarding the request. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”) and the Department of Public Works (“DPW”). Neither agency opposed the request.

The subject property is 37,652 square feet in size and zoned RC-5. The property is improved with a single family dwelling constructed in 1963. The owner’s granddaughter plans to purchase the home and would like to raze the existing dwelling and construct on the same foundation a modern dwelling. Petitioner had a flood plain study prepared by Frederick Ward and professional engineer Tom Miner testified the project would not cause flood plain elevations to

rise and would in no way impact the health, safety and welfare of the public.

THEREFORE, IT IS ORDERED this 15th day of **March, 2019** by this Administrative Law Judge, that the Petition for Special Hearing for a zero ft. setback from the floodplain accepted for filing by Baltimore County in lieu of the required 20 ft. setback in Design Manual Plat DF-1 for a new dwelling to be built on existing foundation, be and is hereby GRANTED.

The relief granted herein shall be subject to 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 her 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 the ZAC comment submitted by DEPS, a copy of which is attached.

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