

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1714 Cape May Road)		
15 th Election District	*	OFFICE OF
7 th Council District		
Charles H. Peters & Jeannie L. Peters	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2019-0322-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 Charles and Jeannie Peters, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for a proposed garage with a footprint larger than the primary structure. A site plan was marked and admitted as Petitioners’ Exhibit 1.

Henry Maeser 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 10,032 square feet in size and is zoned DR 3.5. Mr. Maeser, who prepared the site plan for the Petitioners, explained the owners want to construct the garage for storage of two large boats. The proposed garage would be 1,064 square feet in size, while the ground floor area of the existing dwelling (constructed in 1956) is 792 square feet.

The 1 ½ story dwelling is modest in size and the proposed garage would be roughly 25% larger than the home. The garage would be located in the rear yard and would comply with the setback and height restrictions set forth in BCZR §400. I believe the garage will be compatible

with the existing improvements and the community, and the petition will therefore be granted.

THEREFORE, IT IS ORDERED this 17th day of **July, 2019** by this Administrative Law Judge, that the Petition for Special Hearing for a proposed garage with a footprint larger than the primary structure, be and is hereby GRANTED.

The relief granted herein shall be subject to 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. Prior to issuance of permits Petitioners must comply with critical area regulations.

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