

<b>IN RE: PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
N side of Ebenezer Road, 550 feet E		
of the c/l of Bird River Beach Road	*	OFFICE OF ADMINISTRATIVE
15 <sup>th</sup> Election District		
6 <sup>th</sup> Council District	*	HEARINGS FOR
<b>(6630 Ebenezer Road)</b>		
	*	BALTIMORE COUNTY
Bryan L. and Patricia A. Amig		
<i>Petitioners</i>	*	<b>CASE NO. 2012-0066-SPH</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Special Hearing filed by the legal owners of the property, Bryan L. and Patricia A. Amig. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition to an existing garage and creating a detached accessory structure with a footprint potentially as large as the principal structure. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

Appearing at the public hearing held for this case were Petitioner Bryan L. Amig and Beverly True, who is assisting the Petitioners in the permit process. A review of the file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance at the hearing, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated September 28, 2011, indicating that development of the property must comply with the Regulations for the Protection of Water Quality, Streams,

Wetlands and Floodplains and the Forest Conservation Regulations.

Under the B.C.Z.R., an accessory building is one “which is subordinate and customarily incidental to and on the same lot with a main building.” *B.C.Z.R. §101.1*. In this case, the Petitioners’ dwelling is rather small, containing just 1,062 square feet. The proposed addition will be 26’ x 26’, which is 676 square feet. When added to the square footage of the existing carport and garage, it is likely that the accessory structure will in fact be larger than the primary dwelling. Even so, as noted above and shown on the photographs in the file, Petitioners’ home is modest and the proposed accessory building will complement that dwelling. The Petitioners’ home and lot appear to be well-kept, and the improvements will enhance the appearance and value of the property. In addition, Petitioners’ property is zoned RC2 and adjoins large tracts of forest and agricultural lands. As such, Petitioners’ neighbors -- the few that exist -- will not be negatively impacted or harmed in any way by the project.

After considering the testimony and exhibits, and in light of the absence of any citizen or neighborhood opposition, I am persuaded to grant the requested special hearing relief.

Pursuant to the advertisement, posting of the property and public hearing on this Petition and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 31<sup>st</sup> day of October, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief under Section 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition to an existing garage and creating a detached accessory structure with a footprint potentially as large as the principal structure, be and is hereby GRANTED, subject, however to the following:

1. The Petitioners may apply for their building permit and may be granted same upon receipt of this Order, however the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to

return and be responsible for returning said property to its original condition.

2. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:pz