

IN RE: PETITION FOR ADMIN. VARIANCE
E side of Weatherbee Road; 36.2 feet N
of the c/l of Stevenson Lane
9th Election District
5th Councilmanic District
(702 Stevenson Lane)

Michael and Mary Ellen DeLuca
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0212-A**

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Michael and Mary Ellen DeLuca. The variance request is from Section 1B02.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed dwelling addition with a rear yard setback of 26 feet in lieu of the minimum required 30 feet. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1.

While the relief requested seems modest, there are other concerns that prevent the granting of this Administrative Variance. Specifically, both People’s Counsel for Baltimore County (by letter dated March 30, 2012) and the Director of the Baltimore County Department of Public Works (by memorandum dated March 27, 2012) have identified that the proposed addition will protrude into the 100-year riverine floodplain. County law (Bill 47-10) prohibits construction of buildings or improvements within the 100-year floodplain.

Petitioners submitted with their application a plat prepared by APR Associates, Inc., land surveyors. That plat does depict a “drainage ditch,” but does not show the limits of the 100-year floodplain. As such, at this juncture, I am inclined to rely upon the opinion and recommendation of the Department of Public Works Director, and cannot grant variance relief for a project that would impact or intrude upon the 100-year floodplain.

