

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
(1335 Lafayette Avenue)	*	OFFICE OF
1 st Election District		
1 st Councilmanic District	*	ADMINISTRATIVE HEARINGS
Kevin R. Yang		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2013-0238-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Kevin R. Yang, the legal owner of the subject property. A companion case (2013-0237-SPHA) involving the vacant lot adjoining this property was heard at the same time. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to approve an undersized lot with a width of 50 ft. in lieu of the required 55 ft. and confirm an existing side yard setback of 4.9 ft. in lieu of the required 10 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 2.

Appearing at the public hearing in support of the requests was Kevin R. Yang and Rick Richardson, from Richardson Engineering, LLC, the firm that prepared the site plan. Several citizens from the community attended the hearing and objected to the relief, primarily the approval of an undersized building lot, as sought in 2013-0237-SPHA. Neil Lanzi, Esquire, attended the hearing and represented the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The only substantive Zoning Advisory Committee (ZAC) comment received was from the Department of Planning (DOP) dated May 2, 2013. That agency did not oppose the Petition, but

requested Petitioner to submit building elevations to the DOP for approval prior to the issuance of any building permits and also noted that landscaping must be provided along the public road.

The subject property is 6,250 sq. ft. in size and is zoned DR 5.5. The property is improved with a single family dwelling constructed in 1940, and the Petition essentially seeks to “legitimize” the deficient lot width and side yard setback (that do not comply with current B.C.Z.R. requirements).

As noted, the house was constructed over 73 years ago, and this Petition was filed only to “tie up loose ends,” so to speak, given the Petitioner was also seeking zoning relief to construct a new dwelling on the adjacent vacant lot, which is the subject of 2013-0237-SPHA. The Petition is uncontroversial; indeed, if it was denied the house would need to be razed, which is an untenable proposition.

Pursuant to the advertisement, posting of the property, and the public hearing, and after considering the testimony and evidence offered, I find that Petitioner’s Special Hearing request should be granted.

THEREFORE, IT IS ORDERED this 19th day of July 2013, by this Administrative Law Judge, that Petitioner’s request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to approve an undersized lot with a width of 50 ft. in lieu of the required 55 ft. and confirm an existing side yard setback of 4.9 ft. in lieu of the required 10 ft., be and is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln