

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(101 Chattolanee Hill Road)		
3 rd Election District	*	OFFICE OF
2 nd Council District		
Drew and Caroline Pinkin	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
Petitioners	*	FOR BALTIMORE COUNTY
	*	Case No. 2017-0180-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 Drew & Caroline Pinkin, legal owners (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to permit an in-law apartment in an accessory structure.

Mel Benhoff, Candace Chester, Caroline Pinkin and architect Walter Daniels 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 Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not oppose the requests, and the concern noted in its comment will be included in the order below.

The subject property is approximately 0.9 acres in size and zoned RC-2. The property is improved with a single-family dwelling constructed in 1921. Petitioners propose to construct an accessory building (approximately 1,100 sq. ft.) to be used as an in-law apartment. The B.C.Z.R. requires a special hearing for such accessory apartments.

The site plan (Ex.1) and floorplans were prepared by Walter Daniels, an architect. Mr. Daniels described the layout of the project, and noted a utility pole providing electricity to the

property is immediately adjacent to where the accessory building is proposed. Mr. Daniels explained that unless a separate utility meter was used, Petitioners would need to run electric wires between the apartment and the principal dwelling, a distance of over 70 feet. As such, I believe good cause has been shown to permit the installation of a separate meter. In other respects the proposal meets the requirements set forth in B.C.Z.R. §§400.4 & 502.1, and the accessory apartment use will in no way have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this 3rd day of **March, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to permit an accessory apartment (served by its own utility meter) in an accessory structure, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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. The proposed detached garage (adjacent to the proposed accessory apartment) shall not be used for commercial purposes and shall not contain living quarters, kitchen or bathroom facilities. When constructed there shall be no interior connection between the garage and the accessory apartment.
3. The accessory apartment use shall be subject to the restrictions and requirements set forth in B.C.Z.R. §400.4 and the Declaration of Understanding which Petitioners must file among the land records of Baltimore County.

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:slm