

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(13230 Long Green Pike)		
11 th Election District	*	OFFICE OF
3 rd Council District		
Martin, Joseph & Thomas Kelly	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
Patricia Smith	*	FOR BALTIMORE COUNTY
<i>Contract Purchaser</i>		
Petitioners	*	Case No. 2017-0244-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 Martin, Joseph & Thomas Kelly, legal owners and Patricia Smith, contract purchaser (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R) to approve an accessory (in-law) apartment in a new single family dwelling.

Patricia Smith, David Preller, III, and David Billingsley 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. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Department of Environmental Protection and Sustainability (DEPS).

The subject property is 6.6 acres in size and zoned RC-2. The property is unimproved, and the contract purchaser proposes to construct a new single-family dwelling on the site. An 875 sq. ft. accessory apartment would be located within the new dwelling. Although a public hearing would not usually be required in this scenario (see B.C.Z.R. §400.4), the zoning office advised Petitioners special hearing relief was necessary since the single-family dwelling has not yet been constructed.

Petitioners presented a site plan and elevation drawings for the new dwelling. Petitioners' Exhibit Nos. 1 & 7. The overall floor area of the new home will be 2,779 sq. ft., of which 875 sq. ft. will be dedicated to the accessory apartment use. The site is large enough to accommodate the proposed improvements, including the accessory apartment. As such, the request will be granted.

THEREFORE, IT IS ORDERED this 2nd day of May, **2017** by this Administrative Law Judge, that the Petition for Special Hearing to approve an accessory (in-law) apartment in a new single-family dwelling, 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. Petitioners must comply with the ZAC comments of the DOP and DEPS, which are attached hereto.

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