

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(522 Virginia Avenue)		
15 th Election District	*	OFFICE OF
7 th Council District		
Karen L. Leishure	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2017-0300-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 Karen L. Leishure, legal owner (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to approve the continued use of garage as a residence, as originally approved in Case No. 1139-X (1948).

J. Robertson and Barbara Evans appeared in support of the petition. Herbert Burgunder, III, Esq. represented the Petitioner. 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 request.

The subject property is approximately 0.165 acres in size and zoned D.R. 5.5. The property is improved with a single-family dwelling constructed in 1940. In addition, there is a two-story accessory building at the rear of the lot. In a 1948 Order, the Zoning Commissioner granted a “petition for special permit” to approve “servants quarters” in the garage. Counsel proffered that the building has been used as living quarters since that time, although it is unclear what was meant by “servants quarters,” terminology not used or defined in the B.C.Z.R. Counsel was unsure

whether the structure was used to provide housing for workers at a commercial enterprise in the area or whether domestic worker(s) lived in the garage and provided services to the owners of the single-family dwelling on the same lot.

Leaving the anachronistic nomenclature aside, it appears this structure has served as an apartment or living quarters for many years (i.e., before the 1955 adoption of the B.C.Z.R.) and may continue to be used in that capacity.

THEREFORE, IT IS ORDERED this 19th day of June, 2017 by this Administrative Law Judge, that the Petition for Special Hearing to approve continued use of a garage as a residence, as originally approved in Case No. 1139-X (1948), and as shown on the site plan marked as Petitioner's Exhibit 1, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her 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, Petitioner would be required to return the subject property to its original condition.
2. Only one "family" (as that term is defined in the B.C.Z.R.) may lease and/or occupy the accessory building/garage at any one time or for any given period or term.

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