

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(4502 Ridge Avenue)		
13 th Election District	*	OFFICE OF
1 st Council District		
William G. Pearce	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2017-0349-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 William G. Pearce, legal owner (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to approve a non-conforming use for a two apartment building located at this site.

William G. Pearce and professional engineer Rick Richardson 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. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the county reviewing agencies.

The subject property is approximately 6,250 square feet in size and zoned D.R. 5.5. The property is improved with a single-family dwelling constructed in 1930. Petitioner purchased the home in 1977 from Elsie L. Fowler, at which time the dwelling was divided into a two-unit apartment, one over the other. Petitioner presented a deed from 1953 wherein the dwelling was conveyed to Elsie L. and Dorothy V. Fowler, mother and daughter. Ex. 2. Petitioner stated Elsie Fowler (a widow) and her daughter Dorothy lived in the home together with separate living units.

Petitioner also presented an affidavit from neighbor Joseph Antoszewski, who testified the subject property has been a two-unit apartment since June 1967, at which time he lived directly across the street. The affiant also stated the apartments “have been occupied by renters every year since June, 1967.” Exhibit 5.

In addition, Petitioner presented extracts from the Suburban Baltimore “Criss-Cross Directory,” from the years 1966, 1970 and 1971. Exhibit 4. Those directories contain two “land-line” telephone numbers for the subject property. Each of the entries contain a listing for a Dorothy Fowler, who owned the property until it was sold to Petitioner in 1977, and a second entry for a tenant who occupied the second apartment. In these circumstances I believe Petitioner has established the two apartment dwelling as a lawful nonconforming use, and the petition will be granted.

THEREFORE, IT IS ORDERED this 4th day of **August, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to approve a lawful non-conforming use for a two apartment building located at this site, be and is hereby GRANTED.

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