

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(8 Shipley Avenue)		
1 st Election District	*	OFFICE OF
1 st Council District		
St. Ambrose Housing Aid Center, Inc.	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0113-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 St. Ambrose Housing Aid Center, 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 amendment of the boundary of an existing undersized lot.

David Sann, Kevin O’Reilly and surveyor Bruce Doak appeared in support of the petition. Gary Brooks, Esq. represented Petitioner. 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 Bureau of Development Plans Review (DPR). Neither agency opposed the request. A site plan was marked and admitted as Petitioner’s Exhibit 2.

This zoning case was combined for hearing with No. 2018-0114-SPHA, which concerns the adjoining property at 10 Shipley Avenue. One set of exhibits pertaining to both cases is included in the file for Case No. 2018-0113-SPH. The properties at 8 & 10 Shipley Avenue (situated on Lot Nos. 59 & 60) are improved with a duplex home constructed in 1908. Lot 58, which is only tangentially involved, is improved with a single-family dwelling, and no improvements or alterations of that structure are proposed, although that lot would be reduced in

size to accommodate the enlargement of Lot Nos. 59 & 60. Petitioner proposes to construct a 2-story addition at the rear of the duplex, and doing so requires amendment of Lots 58, 59 & 60 as shown on the 1923 plat of Winters Heights. All three lots are owned by Petitioner and are zoned DR 5.5.

According to the site plan Lot 60 is approximately 4,579 sq. ft. in size, Lot 59 is 3,516 sq. ft., and Lot 58 is 8,325 sq. ft. Petitioner proposes to adjust the lot lines so that each unit of the duplex would be situated on its own lot. Lot 60 (known as 8 Shipley Ave.) would increase in size from 4,579 sq. ft. to 5,791 sq. ft. The duplex dwelling at 8 & 10 Shipley Ave. is nonconforming, and the requested relief will in no way have a detrimental impact upon the community. As discussed at the hearing Petitioner will need to obtain approval from Baltimore County for a lot line adjustment, which would enable new metes and bounds descriptions to be prepared for all three of these lots.

THEREFORE, IT IS ORDERED this 5th day of **January, 2018** by this Administrative Law Judge, that the Petition for Special Hearing to approve the amendment of the boundary of an existing undersized lot, shown as Lot 60 on the highlighted site plan admitted as Petitioner's Ex. No. 2, be and is hereby GRANTED.

The relief granted herein shall be subject to 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 its 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. Prior to issuance of permit(s) Petitioner must obtain approval from Baltimore County for a lot line adjustment concerning Lots 58, 59 and 60 as shown on the plat of Winters Heights.

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