

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(10251 Bird River Road)		
15 th Election District	*	OFFICE OF
6 th Council District		
Karen Pritchett	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0180-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 Karen Pritchett, 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 non-conforming use of the existing buildings on two adjoining parcels for residential rentals.

Karen Pritchett, Dotty Thompson, Ailene Harris and surveyor Bruce Doak appeared in support of the petition. J. Neil Lanzi, 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). A site plan was marked and admitted as Petitioner’s Exhibit 1.

The subject property is approximately 1.5 acres in size and split-zoned BL-DR 1. The site is comprised of two parcels and all improvements are located on the larger one acre parcel. There are two structures on the site, which house eight (8) rental apartments. Each of the units has a separate entrance and full kitchen/bathroom facilities. According to SDAT records the buildings were constructed in 1941.

Karen Pritchett lived on the property from 1979-1985, during a time her father owned the property. She testified the rental units existed during that time frame. Ailene Harris, Petitioner's mother, lived on the property from 1953-1959, and she also testified the rental units existed during this time as well. Dorothy Thompson, Petitioner's aunt, lived at the property from 1963-1967 and she provided similar testimony. All of these witnesses also testified the property was used to house workers from the Martin-Marietta plant during World War II.

In light of this testimony, while was undisputed, I believe Petitioner has established the rental apartment units at the site are a lawful nonconforming use pursuant to B.C.Z.R. §104. As such the Petition will be granted.

The DOP ZAC comment expressed concern with inoperable vehicles at the site, and a condition will be included below to address that issue. The DOP also recommended that vegetative screening be provided at the front of the site. This issue was discussed at length at the hearing and while I do not believe Petitioner should be required to remove the amount of paving suggested by the DOP, a landscaped or grass covered buffer will be required at the front of the site.

THEREFORE, IT IS ORDERED this 12th day of **March, 2018** by this Administrative Law Judge, that the Petition for Special Hearing to approve the continued non-conforming use of the existing buildings on two adjoining parcels for eight (8) residential rentals, 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. No inoperable and/or damaged vehicles may be stored on the property.
3. Petitioner must comply with all Baltimore County rental registration and license requirements for each of the rental apartments.
4. Petitioner must provide a 12' x 4' vegetative buffer at the front of the site adjacent to Bird River Road, as shown on the plan marked and admitted as Exhibit 4.

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