

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(2262 Monocacy Road)		
15 th Election District	*	OFFICE OF
7 th Council District		
Karen Lynn Weeks	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0284-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 Lynn Weeks, legal owner (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve a non-conforming use for two principal dwellings on a single lot in a DR 3.5 zone with a lot area of 17,391 sq. ft. A site plan was marked and admitted as Petitioner’s Exhibit 1.

Karen Lynn Weeks 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. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS), noting Petitioner must comply with the critical area regulations.

The subject property is improved with two (2) single-family dwellings. According to the tax records they were constructed in 1940, although Petitioner submitted a plat dated June 16, 1916 which shows two “frame bungalows” on the property. Pet. Exhibit 4. A 1955 zoning map also shows two dwellings on the lot. Pet. Exhibit 3.

Petitioner proposes to raze the waterfront single-family dwelling and construct a new dwelling in essentially the same location. The zoning review office instructed Petitioner to seek special hearing relief prior to applying for razing/building permits. Based on the plat and zoning map submitted at the hearing it is clear two single family dwellings existed on the property prior to the adoption of the BCZR. As such, pursuant to BCZR §104, the petition for special hearing will be granted.

THEREFORE, IT IS ORDERED this 8th day of **June, 2018** by this Administrative Law Judge, that the Petition for Special Hearing to approve a non-conforming use for two principal dwellings on a single lot in a DR 3.5 zone with a lot area of 17,391 sq. ft., 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. Prior to issuance of permits Petitioner must comply with critical area regulations.

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