

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(8500 Old Harford Road)	*	OFFICE OF
9 th Election District		
6 th Council District	*	ADMINISTRATIVE HEARINGS
Jonathan R. Eber	*	FOR BALTIMORE COUNTY
<i>Legal Owner</i>		
Petitioner	*	Case No. 2019-0005-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Jonathan R. Eber, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) and originally sought a use permit for a boarding or rooming house with a maximum of six (6) tenants. A petition for variance sought to permit (4) tenant parking spaces in lieu of the required (6) tenant parking spaces and to permit parking spaces in the front yard (dual frontage lot) in lieu of the required side or rear yard only. Petitioner amended the special hearing request, seeking approval for a boarding house with four (4) tenants. In addition the variance request was withdrawn. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Jonathan Eber and surveyor Bruce Doak appeared in support of the requests. Several members of the community attended the hearing and opposed the request. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (“DOP”).

SPECIAL HEARING

A boarding or rooming house is a single-family dwelling occupied by three or more individuals not related to each other by blood, marriage or adoption. BCZR §101.1. Boarding and rooming houses are permitted in D.R. zones by use permit. BCZR §408B.1. The subject property is zoned R.O., which permits uses allowed in the D.R. zone. BCZR §204.3.A.1.

To obtain a use permit a petitioner must show the boarding house will not “be detrimental to the health, safety or general welfare of the surrounding community.” BCZR §408B.1.A.2.e. I do not believe Petitioner has satisfied that requirement in this case. The photographs submitted by Protestants show that the former tenants who lived in the property kept chickens, ducks and other animals at the dwelling. Large vehicles, including a school bus and motor home, were also parked illegally on the grass surrounding the dwelling. Witnesses testified a deer was “processed” on the site and that its entrails were covered with maggots and caused an unbearable odor in the summer heat. While I understand the owner took action to evict the troublesome tenant, the evidence submitted at the hearing easily supports the conclusion that a boarding house at this location would be injurious to the health, safety and welfare of the community.

THEREFORE, IT IS ORDERED this 17th day of **September, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the BCZR for a use permit for a boarding or rooming house with a maximum of four (4) tenants, be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

____ Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln