

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(6305 Mt. Ridge Road)		
1 st Election District	*	OFFICE OF
1 st Council District		
Robert & Melissa Aldave	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2019-0121-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 Robert & Melissa Aldave, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve the non-conforming use of an existing 2 unit dwelling. A site plan was marked and admitted as Petitioners’ Exhibit 1.

Melissa Aldave and John Miller 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 BCZR. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (“DOP”). That agency did not oppose the request.

The subject property is 9,652 square feet in size and is zoned DR 5.5. The property is improved with a single-family dwelling which contains two (2) apartments or living units, one on top of the other. In the argot of the BCZR this is a “two-family dwelling.” BCZR §101.1.

John Miller, who was born in 1937, testified he lived in the subject property when he was a child, perhaps starting in about 1945. Mr. Miller stated his father constructed the home as a two-family dwelling and he stated his uncle lived at the property at this time as well. He testified the home has a first floor unit and an upstairs unit, each with living quarters, kitchen and bathroom

facilities. In these circumstances Petitioners have clearly established as a lawful non-conforming use under BCZR Section 104 the two-family dwelling.

In its ZAC comment the DOP noted Petitioners are required to secure rental housing licenses from the Department of Permits, Approvals & inspections (“PAI”). Ms. Aldave presented rental licenses for each of the units, which were issued in August, 2017.

THEREFORE, IT IS ORDERED this 19th day of **December, 2018** by this Administrative Law Judge, that the Petition for Special Hearing to approve the non-conforming use of an existing 2 unit dwelling, 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