

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(701 Academy Road)		
1 st Election District	*	OFFICE OF
1 st Council District		
Sharon Green	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
Petitioner		
	*	Case No. 2019-0212-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 Sharon Green, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”): (1) to approve the continued use of a non-conforming residence (701 Academy Road) on a property with non-conforming setbacks and parking; and (2) to approve the continued existence and residential rental use of two residential structures, 701 Academy Road and 230 Mt. DeSales Road, on the same property. A site plan was marked and admitted as Petitioner’s Exhibit 1.

Sharon Green and surveyor Bruce Doak appeared in support of the petition. J. Neil Lanzi, Esq. represented Petitioner. Several current and former neighbors attended the hearing to express support for the request. 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, but suggested that the Petitioner maintain the appearance of a single family structure from the street.

The subject property is 9,396 square feet in size and zoned DR 5.5. The property is improved with two dwellings constructed in or about 1947. Witnesses at the hearing (along with

several letters submitted as Pet. Ex. 3) testified they recalled the property being used by multiple tenants (4 total: 3 units in 701 Academy Road and 1 rental unit in 230 Mt. DeSales Road) since at least 1970. Several photographs were submitted which show the separate entrance doors for each of the four apartment units, and it is obvious based on these photos and the unique configuration of the site this was designed and constructed as an income-producing rental property.

THEREFORE, IT IS ORDERED this 15th day of **March, 2019** by this Administrative Law Judge, that the Petition for Special Hearing: (1) to approve the continued use of a non-conforming residence (701 Academy Road) on a property with non-conforming setbacks and parking as shown on the site plan admitted as Petitioner's Ex. No. 1; and (2) to approve the continued existence and residential rental use of two residential structures, 701 Academy Road (with three apartment units) and 230 Mt. DeSales Road (with one rental unit), on the same property, 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 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. Petitioner must obtain rental licenses from Baltimore County for each of the four residential units.
3. Petitioner and subsequent owners shall with regard to both dwellings maintain the appearance of a single family structure from the street.

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