

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(433 52nd Street)		
15 th Election District	*	OFFICE OF
7 th Council District		
William H. Fink, Jr.	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Michael J. Fink,	*	FOR BALTIMORE COUNTY
<i>Contract Purchaser</i>		
Petitioners	*	Case No. 2019-0213-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 William H. Fink, Jr., legal owner and Michael J. Fink, contract purchaser (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve a non-conforming use of a 2 unit dwelling. A site plan was marked and admitted as Petitioners’ Exhibit 1.

Michael Fink, William Fink 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 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 4,605 square feet in size and zoned DR 10.5. The property is improved with an end-of-group row house constructed in 1943. Photos were submitted (Ex. 4) showing two entrance doors at the front of the dwelling, and Petitioners stated the door on the left accesses a second floor apartment while the door on the right accesses a first floor/basement apartment. Affidavits were submitted (Ex. 6) from two long-time residents of the community, both of whom recall this property having two (2) front doors and functioning as an apartment/rental

property since the 1960s. Finally, Petitioners submitted an order in a 1997 zoning case (Case No. 1997-554-SPH) wherein former Zoning Commissioner Schmidt determined, under similar circumstances, the property at 435 52nd Street—which is located across the street from the subject property—was a lawful nonconforming two-unit dwelling. *See* Ex. 5.

THEREFORE, IT IS ORDERED this **18th** day of **March, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to approve a non-conforming use of a 2 unit dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.

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