

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(33 S. Prospect Avenue)</b>		
1 <sup>st</sup> Election District	*	OFFICE OF
1 <sup>st</sup> Council District		
918 Courtney Road, LLC,	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	<b>Case No. 2019-0238-SPH</b>

\* \* \* \* \*

**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 918 Courtney Road, LLC, legal owner (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to determine whether or not the Zoning Commissioner should approve the non-conforming use of a two-unit dwelling. A site plan was marked and admitted as Petitioner’s Exhibit 1.

Joshua Willet and Rick Richardson with Richardson Engineering 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. No substantive Zoning Advisory Committee (“ZAC”) comments were received from any of the reviewing County agencies.

**SPECIAL HEARING**

The subject property is 2,400 square feet in size and is zoned DR 10.5. The property is improved with an end-of-group row house located in the Catonsville area. The dwelling was constructed in 1946 and Petitioner submitted photographs showing the subject property has two electric meters, mailboxes and entry doors. See Petitioner’s Exhibit 3. Photos were also submitted showing several other end-of-group homes in the neighborhood which have two apartment units.

Mr. Willet also indicated he spoke with several long-time residents in the community who told him the subject property always had two separate apartments for as long as they could remember.

In light of the above, I believe Petitioner has established a lawful non-conforming use for the two-unit dwelling, pursuant to BCZR § 104. It was not until 1970 (Bill No. 100-1970) that Baltimore County first adopted regulations concerning the conversion of one-family dwellings to two-family units. *See* BCZR § 402.1. While the subject property does not comply with the lot size and setbacks set forth in the aforementioned regulation, I find based on the evidence summarized above it is more than likely that the two-family use pre-dated the 1970 effective date of that regulation.

THEREFORE, IT IS ORDERED this **14<sup>th</sup>** day of **August, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to approve the non-conforming use of a two-unit dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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 its 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.

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

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:dlw