

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(18 Wyndcrest Avenue)		
1 st Election District	*	OFFICE OF
1 st Council District		
Cara & Andrew Mikel	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2019-0250-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 Cara & Andrew Mikel, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) seeking approval for an accessory (in-law) apartment in a detached structure (*i.e.*, garage). A site plan was marked and admitted as Petitioners’ Exhibit 1.

Cara Mikel appeared in support of the petition. Several neighbors attended the hearing to obtain additional information regarding 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.

The subject property is 8,190 square feet in size and is zoned DR-2. The property is located in Catonsville and is improved with a single-family dwelling constructed in 1919. Petitioners recently purchased the property and would like to convert the existing garage into a 360 sq. ft. accessory apartment for Ms. Mikel’s parents. Since the apartment would be in a detached structure the BCZR requires a public hearing. BCZR §400.4.

SPECIAL HEARING

Based on Ms. Mikel's testimony and her responses to the questions and concerns raised by her neighbors, I do not believe granting the request would have any discernable impact upon the community. Ms. Mikel explained her parents live in Virginia Beach and would stay in the apartment only when they visited her family. They will drive together and Ms. Mikel believes they will be able to park her parents' car in the existing driveway, such that traffic flow along the narrow street would not be impacted. As such I believe the request should be granted, subject to the restrictions noted below and those contained in the Declaration of Understanding.

THEREFORE, IT IS ORDERED this 29th day of **April, 2019** by this Administrative Law Judge, that the Petition for Special Hearing seeking approval for an accessory (in-law) apartment in a detached structure (*i.e.*, garage), 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.
2. Prior to issuance of a use permit for the accessory apartment Petitioners must comply with the ZAC comment submitted by the DOP, a copy of which is attached.
3. Prior to issuance of a use permit Petitioner must file in the land records for Baltimore County the Declaration of Understanding as required by BCZR §400.4.

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:slh