

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(3222 Grace Road)		
15 th Election District	*	OFFICE OF
7 th Council District		
Sophie A. Mills	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
Petitioner		
	*	Case No. 2019-0320-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 Sophie A. Wills, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for a legal non-conforming use of an existing two (2) units dwelling which was built in 1951. A site plan was marked and admitted as Petitioner’s Exhibit 1.

Joyce Mason, Petitioner’s niece, appeared in support of the petition. Ms. Mason explained Petitioner is 98 years old and lives in an assisted living facility. 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 County reviewing agencies.

The subject property is 7,500 square feet in size and is zoned DR 5.5. The property is improved with a single-family dwelling constructed in 1951. Petitioner has owned the property since 1947, and her and her late husband constructed the dwelling in 1951. Affidavits were submitted by Petitioner and adjoining neighbors attesting to the fact the dwelling had two living units (one over the other) since it was constructed. The property has two electric meters and photos show the separate entrances for the first and second floor apartments. In light of this evidence it

is clear Petitioner has established a lawful nonconforming use and structure pursuant to BCZR Section 104.

THEREFORE, IT IS ORDERED this 12th day of **July, 2019** by this Administrative Law Judge, that the Petition for Special Hearing for a legal non-conforming use of an existing two (2) unit dwelling which was built in 1951, 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