

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(12443 Jerusalem Road)</b>		
11 <sup>th</sup> Election District	*	OFFICE OF
5 <sup>th</sup> Council District		
Deirdre Hammaker	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
<b>Petitioner</b>		
	*	<b>Case No. 2019-0366-SPH</b>

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**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 Deirdre Hammaker, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for a conversion of accessory structure to living space/in-law apartment. A site plan was marked and admitted as Petitioner’s Exhibit 1. Architectural drawings of the planned interior construction were admitted as Exhibit 2. An aerial “My Neighborhood” photo was admitted as Exhibit 3 and an Area Map was admitted as Exhibit 4. A photo of the front and back of the existing garage structure was admitted as Exhibit 5. A letter dated October 10, 2019 from the Greater Kingsville Civic Association, Inc. was admitted as Protestant’s Exhibit 1.

Deirdre Hammaker, the property owner, 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. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”).

**SPECIAL HEARING**

Ms. Hammaker testified that she purchased the property in 2001. The principal residence

has only two bedrooms and she lives there with her three children, one of whom has special needs that are expected to continue throughout his lifetime. This is why she desires to convert the structure in question from a garage into an accessory apartment under BCZR Sec. 400.4.B. As noted above, Ms. Hammaker explained that her 16 year old son has been diagnosed with Autism and the family intends to use this accessory structure for his independent living space now and into the foreseeable future. The Plans submitted as Exhibit 2 show that the structure is 22'9" by 24' so it conforms to the square footage limitations in sub-section B.2. I find that it also conforms to BCZR Sec. 400, as also required by this sub-section.

Ms. Hammaker testified that, as depicted on Exhibits 1 and 2, the water and septic of this accessory apartment is tied into the principal residence and that she just installed a new septic system in June 2019 with all the requisite Baltimore County permits. With regard to the electrical system, it will be tied into the existing panel on the other accessory storage building shown on Exhibit 1 and she is going to install a new 200 amp panel to accommodate the increased electrical demands of the accessory apartment. The electrical cables will be buried in a trench connecting the structures and will be subject to all County inspection and permitting requirements.

Further, based on the testimony and exhibits submitted I find that the relief requested in the Petition conforms in all respects to the Special Exception requirements of BCZR Sec. 502.1 and that the proposed accessory apartment for family use will not harm the public health, safety and welfare and that it is in keeping with the spirit and intent of the BCZR.

In addition, the Petitioner has submitted a signed and notarized Declaration of Understanding with the Department of Permits and Inspections which sets forth all the necessary restrictions as required by Sec. 400.4.A.1 and 400.4.B.1 and per those sections and this Order

that Declaration of Understanding will be filed along with this Order in the Land Records of Baltimore County. A separate copy will be filed with PAI. I have considered the letter submitted by the Greater Kingsville Civic Association, Inc. (Protestant's Exhibit 1). I note that the Association does not oppose the requested relief because they are sensitive to the Hammaker family's needs. I commend them for their neighborliness. I find that the concerns that they did raise in their letter are all addressed by the restrictions in this Order and in the Declaration of Understanding.

Finally, Ms. Hammaker asked that I waive the renewal process required by Sec. 400.4.C. I am sympathetic to the many pressures that Ms. Hammaker is under, and I understand that this is a somewhat burdensome administrative requirement. I do not, however, believe I have the authority to waive this requirement because the section in question use the mandatory language "shall."

THEREFORE, IT IS ORDERED this 11<sup>th</sup> day of **October, 2019** by this Administrative Law Judge, that the Petition for Special Hearing for a conversion of accessory structure to living space/in-law apartment, 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. The proposed structure shall not be used for commercial purposes and shall not have a separate utility meter.
3. Prior to issuance of permits Petitioners must comply with the ZAC submitted by the DEPS, a copy of which is attached hereto and made a part hereof.

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

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Signed  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

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